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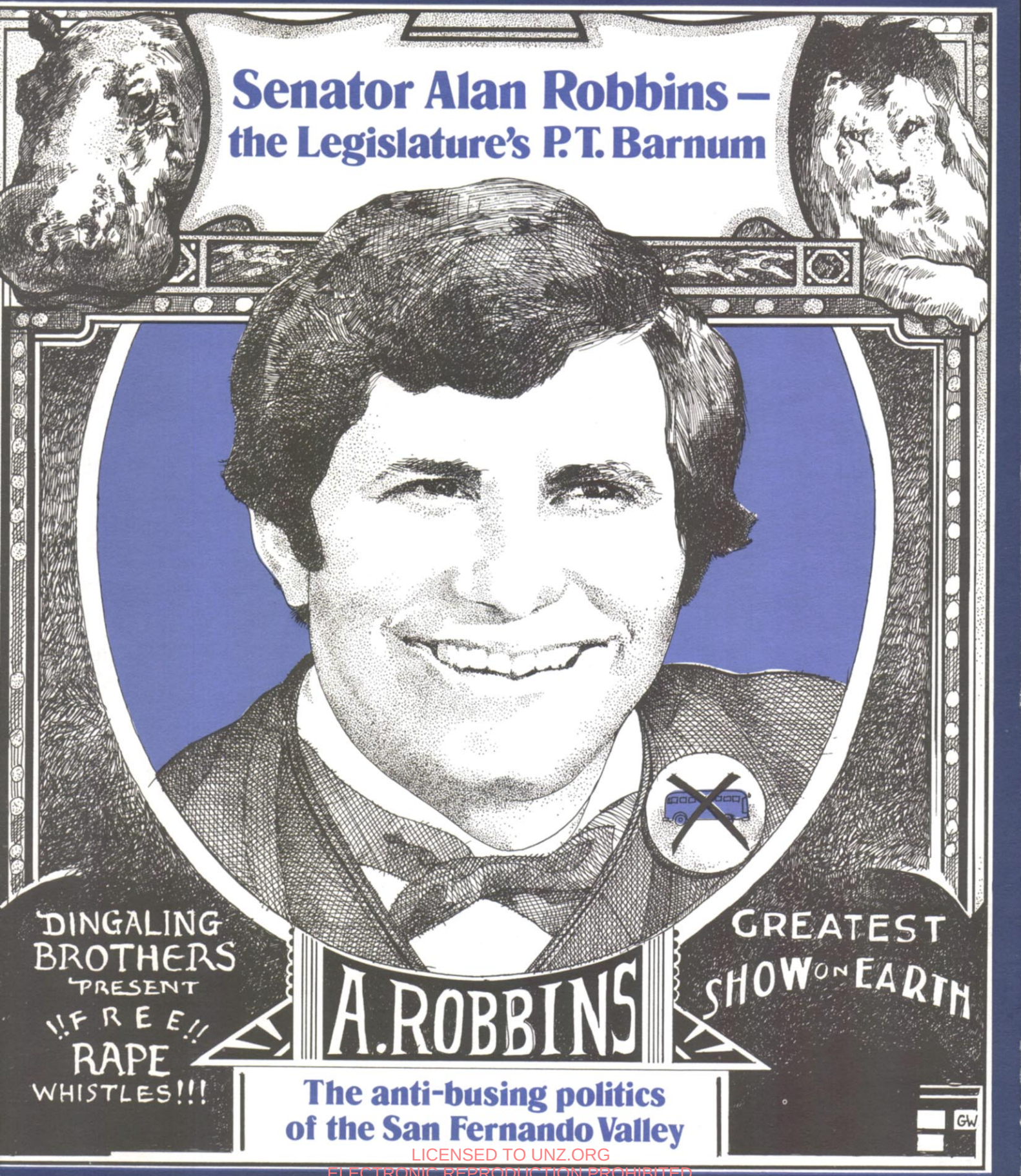
THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

Senator Alan Robbins — the Legislature's P.T. Barnum



The anti-busing politics of the San Fernando Valley

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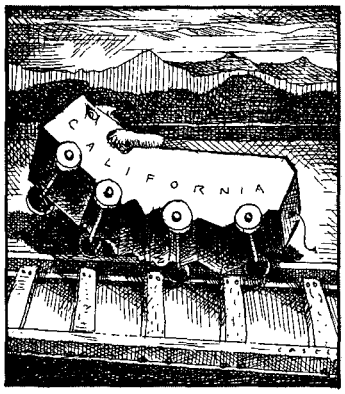
Personal

PERSPECTIVE

By Ed Salzman



State of the state

Perhaps never before in modern California history has state government fallen into such dreadful condition. Look at the three major elements of government:

The most important governmental entity, the state Supreme Court, is practically in chaos as a result of the political and personal conflicts involving at least four of the seven justices. The current investigation by the state Commission on Judicial Performance probably will do nothing to rectify the situation. Indeed, the public may not even be told the results of the proceedings because of a lid of secrecy clamped on the probe by the appellate court in Los Angeles.

Jerry Brown has one all-consuming goal — winning the presidency. State issues are being decided by Brown on a basis of what's best for his national campaign, not on what's right for California. Why did he appoint Edison Miller, the former prisoner of war accused of aiding the North Vietnamese, to the Orange County board of supervisors? Miller might have been a proper appointee for Berkeley or Isla Vista, but he is hardly representative of an Orange County constituency. Brown had a bigger problem: making hay with the liberal element of the Democratic Party in the coming presidential primaries, and the citizens of Orange are a lower priority than the national campaign.

Nor has the Legislature distinguished itself, doing virtually nothing of consequence until July and then approving a fiscal package that hardly recognized the reality of Proposition 13. In an effort to get even with Brown, lawmakers went on an override binge — even on a relatively minor issue involving sale of insurance by banks. This is hardly the first time there has been animosity between a governor and legislative majority. Remember the conflicts between Pat Brown and Jesse Unruh? But in those days, the Legislature was productive; problems were solved rationally despite the political bitterness.

This year, Republicans, who hoist economy-in-government as the party flag, acted pretty much like Democrats in the heat of a Sacramento summer. Some Senate Democrats, who often profess to protect individual liberties, abandoned reason in the vote on Brown's appointment of Jane Fonda to the state Arts Council. Whatever anyone feels about Fonda's actions during the Vietnam War, there can be no question about her ability to make a contribution in the arts. Do Californians refuse to see her movies because they disagree with her on foreign affairs or on the American economic system?

This is the era of personality politics. The Supreme Court is ruled as much by bruising fights between individuals as by honest disagreement among colleagues. The governor is infuriating elected officials and others in California with his Washington-or-bust tactics. And too many legislators are reacting to his conduct with pique and pettiness instead of principle and production.

What of the future? Unfortunately, the Supreme Court probably will not change much until there are some new justices. If Brown's run for the presidency fails, he undoubtedly will resume paying some attention to the state. The question is whether he has burned his bridges so completely that a cooperative effort with the Legislature is no longer possible.

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State Senator Alfred Alquist of San Jose, who has grown crustier with age, sent this response to a letter from a labor-union constituent: "If you expect everyone to agree with your position 100% of the time, you are expecting the impossible. There are many other issues affecting your local and you may need a friend."

Congressman Pete McCloskey, the maverick Republican, may face a serious Democratic challenge next year from Santa Clara County Supervisor Rod Diridon, who recently moved into McCloskey's district to eliminate the carpetbagger issue.

For the first time in the 30-year history of the Legislative Analyst's office, a woman now heads a division. Elizabeth Hill was named welfare section chief by Analyst Bill Hamm.

The federal Bureau of Land Management soon will release the draft of its proposed study of the California desert — perhaps the most extensive land-use plan in history. The bureau office in Riverside will be beating the bushes for public response. By law, the report is limited to 600 pages. What's the bet it won't be any shorter than that?

City Councilman Arthur K. Snyder of Los Angeles ought to be the banking industry's favorite politician. He collects huge sums of money and then banks it for possible future campaigns. At last look, his kitty was over the quarter-million mark and rising.

They ought to call the Senate Republican caucus the lair of losers. Ken Maddy is the latest in a long string of Republicans who won Upper House seats after losing runs for other offices. Among the others: Newton Russell, Ray Johnson, Bill Campbell and John Schmitz.

Former Assemblyman Bill Bagley has been carrying on some zany correspondence with Alan Baron of Washington D.C., who is credited with inventing the 1974 campaign slogan of Controller Ken Cory — "the man the oil companies fear most." After losing to Cory, Bagley went to Washington as head of the Commodity Futures Trading Commission. Baron has suggested to Bagley that he run for president with "a first-class slogan — 'the man the grain speculators fear most.' "

COVER BY GARY WILLIAMSON

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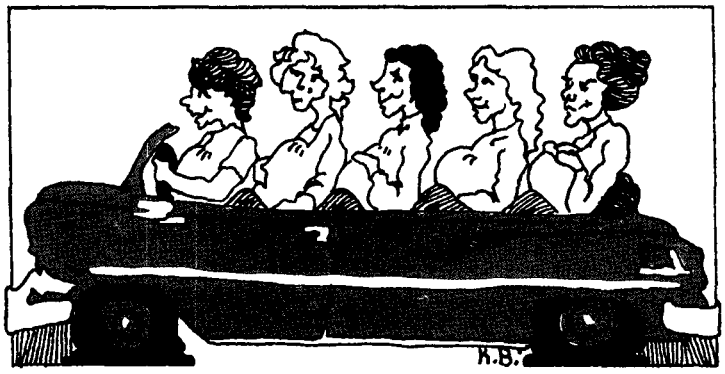
HERB-ASIDES

By Herb Michelson



No one would say precisely who inspired the bill. Quite naturally, Assembly Transportation Committee chairman Walt Ingalls blamed it on Caltrans director Adriana Gianturco, on whom he had also blamed Skylab, the truckers' strike, a ferryboat accident in Sausalito and Vida Blue's inability to control his fastball. "Anything goes wrong with anything that moves, it's her fault," Ingalls said.

But Ms. Gianturco denied involvement with this new bill. "We did kick it around once at a picnic in back of the parking lot at the Ford assembly plant in Milpitas," she said, "but I thought everybody was just kidding."

The bill, AB 99.9, was later presumed to have emerged from the state Air Resources Board. But a spokesman at the ARB vigorously denied this. "Nothing," said the spokesman, "has ever emerged from the Air Resources Board, although Tom Quinn, our director, has slipped out unnoticed several times."

At first, of course, nobody took AB 99.9 seriously. Nobody was even lobbying for it," said Assemblyman Mike Gage of Napa, Vallejo, Santa Rosa and other places. "It's the first time I've ever seen a bill that nobody wanted reach the floor."

Other legislators called AB 99.9 the "anti-Hayakawa bill," although it was equally anti-Toyota, anti-Datsun and anti-Honda. The first nickname, obviously, stemmed from Hayakawa's early statement that the poor didn't need gasoline because the poor had no place to drive to anyway, and that even if they did have a place to drive to, they had no business going there.

AB 99.9 had such uncommonly uncomplicated language that it appeared to have been drafted by Jarvis and Gann, both of whom said they'd heard such a bill discussed at a picnic in back of the parking lot at the GM plant in Fremont but thought everybody was just kidding.

The first section of AB 99.9, the language which touched off the riots in Palm Springs, Hillsborough, Coldwater Canyon and Piedmont late in 1979, called for the abolition of any gas-burning vehicle in which less than six people could be borne. Comfortably.

"The only way to eliminate the need for oil," read Section I of AB 99.9, "is to eliminate the user — the automobile." Section I went on to mandate the recall of every single automobile in the entire state, including hot cars, low-riders, classic Cabriolet convertibles, dragsters and Volkswagen SuperBeetles with rebuilt engines.

Section I, in effect, equated an automobile with illicit drugs — a commodity to be seized by the authorities via a class action search warrant issued by the California Supreme Court, which, as historians will recall, was still in existence late in 1979 before the ruling by attorney Seth Hufstedler that his Commission on Judicial Performance would henceforth perform the duties of both the state Supreme Court and the government of Nicaragua, by then required to refuel its banana boats at Long Beach.

Section I created such a storm, particularly, for some obscure reason, in Detroit, that few paid any attention to the sections which followed, especially the language which created a Blue Book Commission, as opposed to the creation of the usual Blue Ribbon Panel.

Section II of AB 99.9 called for the appointment of every California used car dealer who appeared on late movie commercials (on UHF stations only, except in areas served by cable) to a Blue Book Commission which would work in tandem with the Automobile Seizure Authority.

The Blue Book Commission was to set the going rates for the purchase of every single car in California, a purchase to be financed by funds from the unreported state treasury surplus as reported by State Treasurer Jess Unruh, who refused to turn over the money unless he could at least keep his Cadillac parked in his garage.

Because all state assemblypersons and state senators were promised a continuing — actually an increased — daily car allowance, even though they'd no longer have cars, in Section IV of AB 99.9, all state assemblypersons and state senators voted enthusiastically to pass AB 99.9, resisting an armed attack by 13,000 members of the United Auto Workers Union and impassioned pleas, backed by a guarantee of immense campaign contributions, from Henry Ford and Reggie Jackson, the latter co-owner of an auto dealership in Stockton.

The only matter unresolved by the terseness of AB 99.9, especially in the third (octane) reading of the bill, was what to do with the thousands of miles of abandoned freeways. Ultimately, you may recall, it was decided that these vast stretches of concrete would make fine sites for tract housing, if rights-of-way could be obtained. It was thus that the California of the 1980s looked remarkably like the California of the 1940s.

Herb Michelson is a columnist for the Sacramento Bee. *His humorous meanderings through the world of California politics are a regular* Journal *feature.*

ILLUSTRATION BY KELLI BULLOCK

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HOW TO WIN ENEMIES & INFLUENCE PEOPLE

By Senator Alan Robbins

'The P. T. Barnum of the Legislature'
— Assemblyman Bruce Young

By Vic Pollard

During a Senate Democratic caucus meeting earlier this year, Senator Alan Robbins rose to his feet to make a proposal on the issue under discussion. After some debate, caucus chairman Omer Rains called for a vote. The only hand that went up was Robbins' and the room burst into laughter.

"Don't laugh," said Senator Nicholas Petris. "I've seen Alan survive with less than that to start with."

There was more laughter, but everyone knew that Petris wasn't joking. For in the Legislature, where cooperation and compromise are the basic tools of the trade, Robbins is the quintessential loner. The 36-year-old lawmaker from Van Nuys has compiled a remarkably successful legislative record despite an unwillingness or inability — it is not clear which — to win friends among his colleagues.

Starting virtually alone, Robbins has hammered away until he can now take credit for major reforms in California's rape laws and for forcing the November 6th statewide vote on mandatory busing for integration. Along the way, however, he has amassed a deep reservoir of bitterness and distrust among his fellow legislators.

"You just can't discourage him," says state Senator Ruben Ayala of Chino. "I like to think I don't give up, but there comes a point when you get to be a nuisance."

Even some of his political allies are less than complimentary in their reactions to Robbins. "He has an innate ability to latch onto issues that have a high visibility in the press," says Assemblyman Bruce Young of Cerritos, who sponsored Robbins' anti-busing legislation on the floor of the Assembly. "I don't want to characterize him as a demagogue, although I know there are those who do. But you could call him the P. T. Barnum of the Legislature."

And his opponents abandon all the traditions of political courtesy when talking about Robbins to a reporter. "Before he came up here to the Legislature," says Assemblyman Willie L. Brown Jr., "he had a pretty decent record on civil rights . . . But in the last two or three years he has begun to utter the sounds of a man wearing a sheet." Brown calls Robbins' position on busing "the attitude of a well-meaning slave owner."

Robbins says he is personally wounded by the icy criticism that is frequently heaped on him, but it apparently has not hurt him where it counts most — at the ballot box. After a narrow initial victory in a special election in 1973, he has been re-elected twice by margins of more than 50,000 votes, breaking all records in San Fernando Valley state legislative politics. And despite a sound thrashing in his effort to unseat Tom Bradley as mayor of Los Angeles in 1977, Robbins is still considered a strong contender for that office or for the seat now held by Baxter Ward on the Los Angeles County Board of Supervisors.

Ticked-off colleagues

Robbins' approach to the busing issue is probably the best example of the qualities that make him tick — and tick off his colleagues. He insists he is a firm believer in school integration, but not in ordering children onto a bus to achieve it.

"I don't see any contradiction in that at all," he said in an interview, "because I see compulsory busing as the worst thing that's happened to the cause of integration. It has created a great deal of racial prejudice and racial discord. What's happened in my district is that a great many families, black and white, have moved out of the LA school district to get away from compulsory busing. How in the world does that help achieve integration?"

Robbins began introducing legislative proposals for constitutional amendments to outlaw busing two years ago after integration orders outraged parents in the middle-class suburbs of Los Angeles, particularly the flatlands of the San Fernando Valley that form his political base. But for two years he was unable to break down the determination of liberal legislators and legislative leaders to keep the lid on the Pandora's box of race relations in the state.

As a result, he launched a drive to put the issue on the ballot with an initiative. To gather the signatures, he formed an organization called Californians Helping to Obtain Individual Choice in Education, a name admittedly chosen to fit the acronym CHOICE.

The drive was financed almost entirely by two men. One was Henry Marcheschi, an electronics manufacturer who

Vic Pollard covers the Capitol for the Gannett newspapers.

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was president of the Pasadena school board when it went through its bitter busing battle a few years earlier. Marcheschi loaned or gave the campaign more than $30,000. The other was Bert Boeckmann, a San Fernando Valley Ford dealer, who loaned $10,000. Campaign disclosure reports do not indicate that the loans have been repaid. Boeckmann, incidentally, had been the chief financial angel for Robbins' mayoral campaign a year earlier, to the tune of more than $101,000, according to the reports.

But the initiative drive failed in an incident that grabbed more unfavorable headlines for Robbins. After claiming near-success, Robbins charged that thousands of the petition signatures had been stolen in a sabotage plot involving a Mexican-American campaign worker. A subsequent investigation by the Los Angeles County sheriff's department produced the conclusion that the "stolen" petitions had never existed and that Robbins had been deceived about the number of signatures collected. However, a campaign worker reportedly told investigators that Robbins publicly inflated even the false figures that he was given.

Turning around

The key to Robbins' success with the busing issue came later in 1978 with the court threat of a "metropolitan" busing plan that could reach out to involve communities as far away as San Bernardino, Riverside and Orange County.

"The whole legislative thing turned around," Robbins says, and a large block of lawmakers from the threatened areas were unable politically to maintain their former opposition. His proposed constitutional amendment and special election legislation began to move through the Legislature, but not without some unique Robbins touches that added to the simmering dislike of him among many of his colleagues.

In one, the winner of a Miss California contest — who happened to be black — came to Sacramento to lobby on behalf of the anti-busing legislation. That drew howls of protest from black lawmakers and other liberal opponents. State Senator Diane Watson of Los Angeles said she suspected the contest had been rigged to produce a black winner for more dramatic political impact. At the very least, she said, it amounted to exploitation of the young woman.

The charges were hotly denied by Robbins, although he acknowledged readily agreeing to the suggestion of the contest promoter to allow the contestants to join the campaign as a "civic project."

In another incident, Robbins made a point of positioning himself amid a group of black, brown and white children in the back of the Assembly chamber when his busing legislation was being considered.

With the newly acquired weight of public opinion behind him, Robbins put together the majorities needed for the amendment and two special election bills. His tactics, however, left many of his fellow legislators fuming.

His image in Sacramento was not enhanced, moreover, when at another point this spring he called Mary Vincent, the teen-ager whose arms were hacked off in a rape attack, to testify before the Senate Finance Comittee on one of his rape bills. Whether it was deliberate or not, the impact of her tragic case was heightened even further as she sat in the front row of the committee room in full view of the committee members for more than an hour while they debated another bill.

Robbins insists that much of the criticism heaped on him for such tactics is unwarranted. He said both the beauty queen ploy and Mary Vincent's appearance were not his ideas. At least in one case that is confirmed by Gloria Allred, the feminist attorney who represents Vincent. Allred said she suggested the move to Robbins originally because she felt it was the most effective way to dramatize the need for the rape measure.

But Robbins welcomed both suggestions. "It was effective," he said of Vincent's appearance. "Obviously for a legislator who wanted to vote against the rape bill, that put him between a rock and a hard place. Right after she came up here, we banged that bill out of the Senate 33-0."

He says he agreed to the visit by the beauty queens because his anti-busing legislation "was kind of being kept on the shelf. They came up here and very quickly got the attention of the Legislature on the special election," he says with a pleased smile. "We got a hearing and the bill moved."

Despite their effectiveness, Robbins' tactics are sometimes too much even for his political allies. "Sometimes he goes too far," says Young. "I told him with the beauty queens, 'Alan, I think you're going too far.' "

Robbins' political stunting is not the only thing that upsets his colleagues. Another is his tenacious refusal to give up even after he has been counted out repeatedly.

"He is very, very aggressive," says Senator Robert Presley of Riverside. "He will take something like this busing issue and push and push until he ties up long chunks of legislative time. He just pushes everybody to the wall."

The animosity sometimes rubs off on others. Young says he has been rebuked for his sponsorship of the anti-busing legislation by a member of the Assembly leadership whom he declines to name. "He was sent by other members of the house to tell me that I was doing irreparable harm to myself," Young says. Young adds that he has no intention of putting more distance between himself and Robbins, "because I believe so strongly in the issue" of ending compulsory busing.

Even though he gets the vote of some of his colleagues as the most unpopular man in the Legislature, Robbins is not entirely without friends there. One of those is Assemblyman Tom Bane, who gave Robbins his first paying political job as a legislative consultant 17 years ago.

Statewide candidate?

"He is extremely bright," Bane says of Robbins. "He has an IQ that is almost unlimited. Bane adds that Robbins' vote-getting ability "certainly makes him a potential candidate for statewide office."

Surprisingly, another is liberal Senator David Roberti of Los Angeles, even though Roberti disagrees strongly with Robbins on many issues. "I've known him for a long time, and he's my friend," says Roberti. "He was my immediate predecessor as chairman of the Los Angeles County Young Democrats."

Robbins also counts his seatmate, Senator Rose Ann Vuich of Dinuba, among his friends in the Legislature.

Nevertheless, he readily acknowledges a seemingly incorrigible tendency to anger most of his colleagues time after time. "I really do," he admits with a grin and a shrug. "There have been times during my seven years here when I've said, 'Alan, what is it that you do that makes your colleagues mad at you and what can you do to change it?' There are times when I'll work on it, and then something will come along that I feel strongly about and I will go off on one of my crusades and by the time I get done, I'll have three or four more of my colleagues mad at me.

"Anyone who's ever been in a legislative battle with me," he continues, "generally will say that I'm known for my tenacity, and if I feel strongly about something, I go out to win. Sometimes I've had to go out and get community groups who support my position to put pressure on their local legislators my way. That's something some legislators have been known not to like."

Robbins has exhibited that tenacity and will to win, along with a driving political ambition, since he was a young boy. The grandson of Russian Jewish immigrants, Robbins says he grew up in "one of the poorest neighborhoods in the San

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Fernando Valley." When he was nine, he became fascinated with U. S. Senator Estes Kefauver's televised racketeering hearings.

"I went out and organized a bunch of kids at Lankershim Elementary School in coonskin caps for Estes Kefauver," he recalls. "We were very crushed when he failed to get the nomination for president."

By then he was hooked on politics. Bane remembers him at age 12 "going out and organizing people to hand out literature for Democratic candidates." At 17, Robbins was named statewide vice chairman for the youth arm of John F. Kennedy's presidential campaign in California. "I got to spend several days traveling with Ted Kennedy around the state," he says. "That was very heady stuff for a 17-year-old."

Copying Kennedy

Apparently the Kennedy influence was more than even Robbins now likes to recall. There was an embarrassing moment during his 1973 special-election campaign when reporters discovered that a Robbins brochure was nearly identical in wording and layout — with little but the names and pictures changed — to a Kennedy pamphlet from 13 years earlier.

At 19, Robbins joined Bane's Assembly Rules Committee staff with the assignment of keeping an eye on the work of the Constitutional Revision Commission as it rewrote the legislative article of the constitution. He was determined to go into politics, but he decided to make some money first. "I felt that anyone who was going to be in public office should go out and be successful in business first," he says.

After a three-year stint as a consultant, he finished law school and was admitted to the bar at the age of 23, the youngest licensed attorney in the state at the time.

"I practiced law and built apartment buildings," he says. His early law career was interrupted by six months' active duty in the Army as a national guardsman. Along the way, he acquired a piece of property and "convinced Home Savings to loan me two and a half million dollars" for the first of several apartment ventures.

In 1973, when he said his net worth was "almost a million dollars," a Senate vacancy opened up with the death of Tom Carrell. In a bitter campaign, Robbins eked out a narrow victory over the establishment-backed Democratic Assemblyman Jim Keysor.

Robbins says he has been bucking the establishment in the form of the party and the legislative leadership ever since. "When I was first elected seven years ago, it was a 20-20 house," he said. "The senior Democratic committee chairmen were greatly concerned, because I was elected with 50.41 percent of the vote, that I wouldn't make it back up here . . . and they might lose their chairmanships.

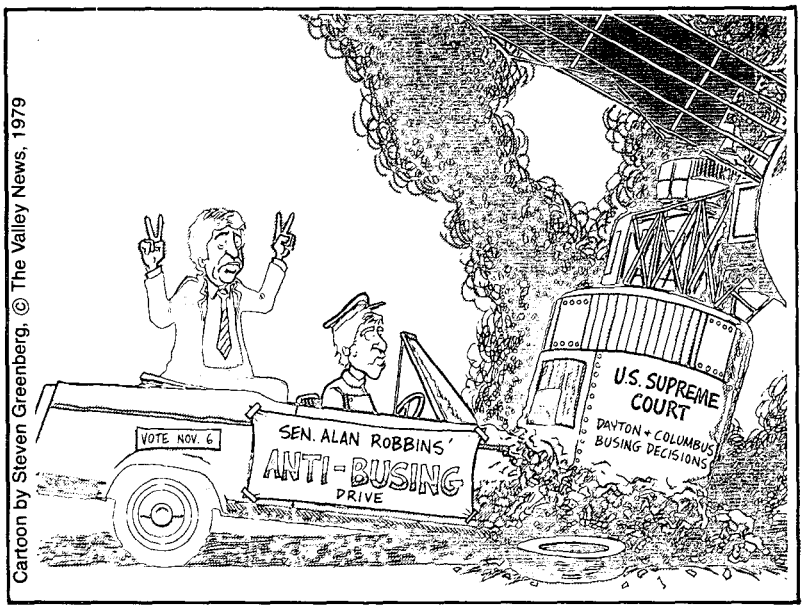
"So I go and toss in what was to become known ultimately as the Robbins Rape Evidence Law. They came to me and said, 'You gotta drop this bill. Nobody carries bills on rape, and if somehow you get the bill passed, nobody will remember what you do, they will just associate your name with rape.' "

He refused and won passage of the bill, going on to see rape reform become a symbol for the women's movement. He said he did it not for political reasons but because of the need he discovered years earlier as a reporter for the UCLA student newspaper doing a series on the plight of rape victims. But he agrees it was a fortunate political move, and during his two re-election campaigns and his race for mayor of LA, Robbins has distributed almost half a million "rape whistles" as his political trademark.

"People would say, 'Hey, Alan, that was brilliant. Nobody else in the whole Legislature saw the rape issue and you saw it and started what became a whole national movement.' I don't know to what extent it was smart or to what extent I was just crazy enough to not care. It produces the same result. I guess after you do that once or twice on something like the rape issue, you don't worry on something like the compulsory busing issue when for a year or two you look kind of foolish, like you're bucking a hopeless trend."

Robbins says he is content to play the role of a loner and has never been preoccupied with climbing up the legislative power structure. "I don't have the pack instinct," he says.

That does not quite jibe, however, with the intense campaign he waged last year for the chairmanship of the Senate Insurance and Financial Institution Committee. The drive was no doubt spurred by the fact that he had been passed over many times before for the selection of committee chairmen with much less seniority than he.



Cartoon by Steven Greenberg, © The Valley News, 1979

Despite the fact that he says he had a commitment for the post from Senate President pro Tem James R. Mills, the chairmanship went to Republican Senator Robert Beverly. The incident was enlivened by charges that Robbins inspired a letter of sharp protest against the Beverly appointment from state Democratic Chairman Richard O'Neill. Additional spice came from a report in the *Sacramento Bee* that unnamed lobbyists were fearful that Robbins would use the post for voracious demands for campaign contributions.

Robbins stoutly denies both charges: "I don't think anybody would say they favor Bob Beverly because he would ask for smaller contributions. He's got a war chest of many thousands of dollars. I may have as much as a thousand in mine."

Senate's dilemma

The chairmanship squabble suggests that, whatever else he may be, Robbins is a difficult commodity for his fellow legislators to deal with. Brent Barnhart, a Sacramento lobbyist for American Civil Liberties Union, sees it this way: "My speculation is that the Senate just doesn't know what to do about him, because the traditional sanctions just don't work with him, the sanctions of not giving him any (leadership) positions and distrusting him. And besides, there's very little discipline in the Senate anyway."

The question Robbins-watchers keep asking is: What is he going to do next? Robbins says he has no plans beyond "making sure that the compulsory busing amendment passes overwhelmingly" on November 6th. He does not deny continuing interest in a supervisor's seat or in the Los Angeles

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Will the anti-busing plan make a U-turn on Robbins?

Senator Alan Robbins' greatest legislative victory has been the placement of Proposition 1 on the special-election ballot this November 6th. In fact, the Gann initiative to restrict government spending rode piggy-back on Robbins' proposed constitutional amendment designed to halt court-ordered busing of school children in Los Angeles. In pushing the measure through the Legislature, Robbins put so much pressure on liberal legislators that some of them, fearful of losing their political lives, voted for the proposal.

Since Governor Brown signed the bill calling for the special election, however, some new legal developments have cast doubt on the effect of the Robbins amendment. The background:

Los Angeles school integration was ordered under guidelines set down by the state Supreme Court. Under state standards, public school segregation must be eliminated where reasonable and feasible regardless of cause. Until recently, the United States Supreme Court required that schools be integrated only where segregation was caused by government action with discriminatory intent. The Robbins measure would require that the state follow the federal standard.

Robbins drafted his constitutional amendment in the belief that busing would come to a halt in Los Angeles and in some other school districts if California were forced to abandon the more liberal state-court viewpoint. Even at that time, there were those who claimed that a case could be made for discriminatory governmental action in Los Angeles.

Uncertain effects

The legal issue became more complex with the recent issuance of decisions by the U.S. Supreme Court in cases involving two Ohio cities, Columbus and Dayton. In those rulings, the federal court appears to have moved closer to the California standard, saying that segregation need not result from direct governmental action with discriminatory intent. Robbins and other lawyers disagree on the impact of these cases on Proposition 1. There are those who claim that the measure could actually force an increase in busing, but Robbins has said "there is not one-hundreth of a 1 percent chance" of that being the case. Los Angeles now buses students on a limited basis, and attorneys for the school district feel there is a possibility that the constitutional amendment could require systemwide busing.

This means that California voters will be casting ballots on a proposition with uncertain effects — an argument that is already being used by those who oppose the measure but which can only be resolved by high-court action. Here are the main provisions of Proposition 1:

- ***California courts*** must follow applicable federal court decisions in pupil assignment and transportation cases.
- ***The new standard*** would be retroactive, and courts would be required to review previous integration cases when requested to do so.
- ***California courts*** would be required to give first priority to these cases (among civil but not criminal cases).
- ***School districts*** could maintain desegregation plans or initiate new ones on a voluntary basis.

The specifics of the measure may not play an important role in the campaign for and against Proposition 1. It may be taken by many voters merely as a poll for and against court-ordered busing. In that case, it is expected to be approved by a large margin. Robbins claims the proposal is based on the conclusion that "forced busing is not a useful tool in achieving desegregation because its financial and educational costs render it counterproductive." He feels there are more appropriate methods of promoting racial harmony.

Supporters and opponents

One of the senator's supporters is W. C. Jackson, pastor of Beth Ezel Baptist Church in Watts. He claims that one of the great myths of our society is that minority children can only receive an effective and equal education through busing. And he emphasizes that busing has not significantly improved education of blacks and has resulted in the exodus of white students to the suburbs or to private schools.

Among the opponents are Susan F. Rice, president of the League of Women Voters of California, and two black legislators, Senator Diane E. Watson and Assemblywoman Teresa P. Hughes. They emphasize the legal argument — that the Los Angeles court order is based on official acts of the school board and thus even meets the old federal standard. They also claim in their voter-pamphlet argument that Proposition 1 has flaws: "It will make the state a party to discrimination; it will increase racial conflict; it will restrict educational opportunities for school children; it will touch off a series of costly court battles; and it will set a precedent of altering the California Constitution for political gain."

E. S.

mayoralty, although, he says, he has made up his mind not to run against Tom Bradley again.

If he does decide to go for one of them, he already has what looks like the beginnings of a political network in Los Angeles. A long-time political supporter, Hal Bernson, was elected to the City Council in the last election. Robbins is closely allied with the anti-busing slate that was elected to the city school board, and his wife, Miriam, is also considering a run for the school board.

Nevertheless, he says he is content now to run the campaign for the amendment and serve as chairman of the new Senate Special Commmittee on Legislative Oversight and Government Efficiency. That is a post he was given partly as compensation for losing out to Beverly earlier. The panel's list of study issues, incidentally, includes one item that could be turned to great advantage by any aspirant for office in Los Angeles. That is an examination of taxpayer liability for the 1984 Olympic games scheduled for that city.

He insists he isn't staying awake nights worrying about his next step. "If the only thing that's important to you is your next office," he says, "you stop having meaningful accomplishments and you stop having fun. I guess the thing that I get the greatest sense of personal accomplishment from is having a crusade and being successful and sitting back and saying I've been able to rewrite the rape laws. It's a good feeling."

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The bizarre politics of the San Fernando Valley

By Laura Remson Mitchell

The politics of Los Angeles' San Fernando Valley is dominated by issues, not by political parties or politicians. Nevertheless, some politicians are parlaying the two biggest issues in the Valley — school desegregation and Proposition 13 — into considerable popularity with the voters. Whether that will be enough to turn these public figures into political heavyweights remains to be seen.

While they may not hold the key to Valley politics, some important names already adorn the political roster of this region, which lies across the Santa Monica Mountains northwest of Hollywood:

• ***James C. Corman*** represents the 21st Congressional District in the Valley. First elected to Congress in 1960, he ranks second in seniority among California's congressional Democrats and third in the entire California delegation. He is generally considered the Valley's most powerful elected Democrat.

• ***Barry M. Goldwater Jr.*** represents the 20th Congressional District, which includes the westernmost part of the Valley along with parts of Ventura County and unincorporated Los Angeles County territory. He is the ranking Republican on the Transportation, Aviation and Communication Subcommittee of the House Committee on Science and Technology.

• ***Howard Berman*** represents the 43rd Assembly District, which includes part of the Valley. Berman is Assembly majority leader.

• ***Paul Priolo*** represents the 38th Assembly District, which the southwest Valley shares with part of Ventura County and the Malibu coast. Priolo served as Assembly minority leader from January 1976 to May 1979, when he was ousted by Assemblywoman Carol Hallett.

• ***Lieutenant Governor Mike Curb*** has not been involved much in the politics of the Valley, but he is a Valley product with a long involvement in politics. He graduated from U.S. Grant High School in Van Nuys and attended California State University at Northridge, both in the Valley. Early this year, Curb initiated a brouhaha with his attempt to appoint Armand Arabian to the appellate court while Governor Jerry Brown was out of the state. Arabian is a judge of the Los Angeles Superior Court in Van Nuys.

Growing power

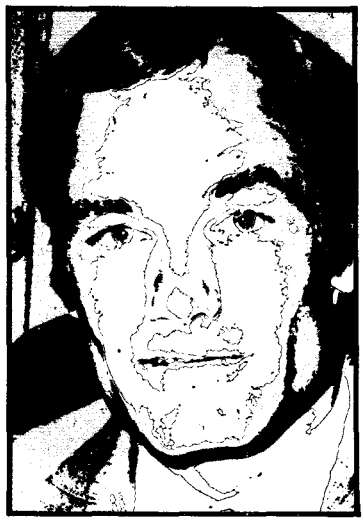
Then there are those whose power appears to be growing in direct proportion to their involvement in the anti-busing movement and their support of the Proposition 13 philosophy. They include Democratic state Senator Alan Robbins of the 20th District and Los Angeles school board member Bobbi Fiedler. Robbins is the author of Proposition 1 on the November special-election ballot, a constitutional amendment to limit court-ordered school desegregation in California to what would be required by a stricter federal-court standard. Fiedler was one of the founders of Bustop, the area's most important anti-busing organization, and has been a strong anti-busing voice on the school board. She was also an early supporter of Proposition 13.

Although he is a Democrat, Robbins joined Fiedler this spring in supporting conservative Republican Hal Bernson for the Los Angeles City Council seat in the Valley's 12th

Laura Remson Mitchell, a free-lance writer in the San Fernando Valley, is a frequent contributor to the Journal.

Fiedler

Corman



Goldwater

Weintraub

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District. Bernson's opponent, Barbara Klein, is a moderate-to-liberal Democrat who lost to Bernson's predecessor, Robert M. Wilkinson, by only 336 votes in 1975. But that was before Proposition 13 and busing.

Wilkinson did not run for re-election this year, and 16 candidates were on the primary ballot. Klein wound up with the most votes, but just barely, nosing out Bernson with 32 percent of the vote to his 30 percent. After that, Klein's fortunes seemed to deteriorate steadily. She said she opposed busing, but apparently voters didn't think she was opposed enough. She did not take an active stand on either side of Proposition 13. Then, in her efforts to appeal to the district's conservative voters, she alienated some of her more liberal supporters. As one 12th District voter put it, "I wish Barbara had changed her address instead of her politics." In the end, Bernson won with nearly a two-to-one margin.

The 12th District is the most conservative in the Valley — perhaps in the entire city. It is the only district, for example, in which Robbins was able to beat Los Angeles Mayor Tom Bradley when he tried to unseat Bradley in 1977.

One self-described liberal Democrat said of Klein's loss, "She probably couldn't have won, but she didn't have to take a bath. There were people that didn't vote that would have voted for Barbara."

Recalling Miller

The Bernson-Klein race may have been typical of just the 12th District rather than the Valley as a whole. More revealing, perhaps, was the recall of Los Angeles school board president Howard Miller, which was on the same May 29th ballot. The recall was widely regarded as a referendum on busing, an idea Miller and his supporters tried unsuccessfully to combat. As chief spokesman for the plan that went into effect in September 1978, in response to a court mandate to desegregate Los Angeles schools, Miller was not very popular in the Valley.

In fact, the Valley was the center of the recall effort. Roberta Weintraub, director of the Miller recall committee, had run unsuccessfully for the school board in 1977 in the same contest that saw Fiedler unseat liberal Robert Docter. Weintraub outpolled other candidates to succeed Miller and will complete his at-large term of office, which runs until 1981. She then can run for re-election to represent part of the Valley on the board. Both Fiedler and Robbins supported the recall.

(In an unexpected move last July, the school board elected Weintraub president. The board's moderate faction apparently decided that she was more acceptable than her fellow conservatives on the board, Fiedler and Richard Ferraro. Because of a vacancy on the board, a simple conservative-versus-moderate vote would have resulted in a deadlock.)

The voting patterns on the Miller recall say a lot about the Valley's influence on Los Angeles politics. Only four of the city's 15 council districts are entirely within the Valley. Two more districts include parts of the Valley as well as other parts of Los Angeles. The school district also includes 10 other cities and some unincorporated territory. When all the votes were counted, Miller was recalled by a margin of 57.8 percent to 42.2 percent. But in the four council districts that lie entirely within the Valley, those at the polls recalled Miller by 78.5 percent to 21.5 percent. (Miller also lost in the other two Valley council districts, but by smaller margins.) Without the vote cast in the four all-Valley council districts, Miller would have squeaked by, retaining his seat on the school board by a slim 51.1 percent to 48.9 percent.

Hard to explain

While the Miller recall clearly demonstrated the Valley's politics regarding busing, other aspects of Valley politics are more difficult to explain. Alan Robbins, the only state senator whose district lies entirely within the Valley, is a Democrat who actively supported a conservative Republican against a Democrat (in the officially nonpartisan Bernson-Klein race) and who often seems more sympathetic to Republican positions than to Democratic ones. By contrast, Joel Wachs, a registered Republican, was a prime mover behind the successful effort to bring rent control to Los Angeles. He is well-liked by liberal Democrats. His district, which includes the southeast Valley as well as other parts of Los Angeles, is one of the two most liberal in the Valley. (The other liberal Valley district, the 11th, also includes some territory on the south side of the Santa Monica Mountains.)

"There are really two diverse political forces out here," according to J. Scott Schmidt, president of the *Valley News* and past president of the Industrial Association of the San Fernando Valley. The *Valley News* is the most important home-grown newspaper in the Valley, having evolved from what was essentially a glorified shopper into a respectable daily newspaper with high-quality coverage of state and local issues. The Industrial Association, highly regarded by Republicans and Democrats alike, is a Valleywide organization of businessmen who take an active part in civic affairs.

"There is a group that is probably the more conservative element," Schmidt says. "Its people holding office are (Assemblyman) Bob Cline and (former 12th District city Councilman) Robert Wilkinson. And (former Los Angeles police chief and Republican gubernatorial candidate) Ed Davis, I would say . . . You're basically talking about the Breakfast Forum group in the Valley, which consists of the organizers of CIVICC (a group advocating Valley secession from the city and county of Los Angeles).

"Your other group probably would revolve around Dodo Meyer, who is the mayor's assistant in the Valley and who would characterize herself, I think honestly, as a liberal . . . In between probably is a group like the Industrial Association. It's not as conservative as the Breakfast Forum, and it's not as liberal as Dodo."

The Democrats' problems

There are some powerful people in the Valley, Schmidt says. He calls Assemblyman Tom Bane "a very effective legislator" and says Corman "has the power" to get things done. But he adds, "There is no one person that you can call up (to) get something accomplished in the Valley. If you have to get some kind of legislation pushed through, there's no one person (who) can do that. If you want to get something done having to do with city services, Dodo can do that for you."

Doris "Dodo" Meyer is Mayor Bradley's administrative coordinator in the Valley. She speaks frankly about the state of Democratic politics in the Valley and about some of the prominent people on the Valley political scene.

"The (Democratic) club system, which is what has generated leaders and leadership, is rather weak in the Valley," she says. "Furthermore, there is little Democratic party organization. Part of the fault is (with) the Democratic legislators. Some of them we share with other parts of the city. That makes it difficult," she explains. "None of them really pulls the Valley together. They go over the hill (the Santa Monica Mountains) into the west side. The west side is very strong in Democratic politics, and they've got good clubs. And so they tend more to stay over on that side of the hill."

Organizing the Valley's Democrats can't be left to campaign workers, Meyer says, especially since many of them are now working as staff members for elected officials. "Part of the problem is the one state senator that is in the Valley (Robbins) is more Republican than he is Democrat," Meyer says.

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As the Democrat with the most powerful elective office in the Valley, Corman would be the logical focal point for Democratic politics in the Valley but, according to Meyer, "He doesn't pull the Democrats together out here. And it's something that's sadly needed. He is the most powerful, and it would be very helpful if he did. But, of course, a congressman in California, spending as much time as he does back east, can really only tend to his district."

There are some indications that the party organization may be starting to recognize the needs of Valley Democrats. For example, on May 29th — election day — Corman was guest speaker at what was billed as "the first in a series of regional breakfast meetings" sponsored by the Southern California Democratic Party and held at the Sportsmen's Lodge in the Valley. About 70 active Democrats showed up for the breakfast. Among those attending were outgoing school board member Julian Nava, whose term of office expired this year, and recall target Howard Miller.

Schmidt says that when he came to the Valley (about four years ago), he had the impression that the Valley was very conservative. "It indeed isn't," he says. "I think the registration in the Valley is now predominantly Democratic."

The registration figures may give Democrats an edge, but that doesn't convince Meyer. "The Valley is conservative," she says. "Even the Democrats are conservative. There's no question that the Republicans have made great gains out here."

Part of the problem for Democratic candidates in the Valley is money. "When it comes to an issue of partisanship," Meyer says, 'the big money out here is Republican."

That is a point some Republicans dispute. "I think it's individuals more than party or stand (that determines who gets the money)," says Jeanne Swallow, Goldwater's executive assistant. "A strong name can always bring in a lot more money."

Ben Key, a Goldwater field representative, agrees. "It's person by person, and one year a Republican's going to get more money than a Democrat, and the next year it could just go the exact opposite," he says.

But the big Democratic money is mostly on the west side of Los Angeles, not in the Valley, and that makes it difficult for Valley Democrats. "The isolation of the Valley is in the minds of not only this side of the hill but that side of the hill," Meyer says. Thus the idea that the Valley is a conservative enclave may become self-perpetuating. "And it will continue as long as we don't get support or money from the Democratic National Committee, the Democratic State Committee and the leaders of the party," she adds.

Conservative money

If money is the mother's milk of politics, then by consensus the most prominent "dairy farmer" in the Valley is Bert Boeckmann, owner-president of Galpin Ford in the central Valley. Boeckmann and industrialist Jerry Nordskog are two of the mainstays of what Schmidt calls the Valley's "conservative element." Both donate time and money to candidates and causes, and both have served on the executive committee of CIVICC (Committee Investigating Valley Independent City/County).

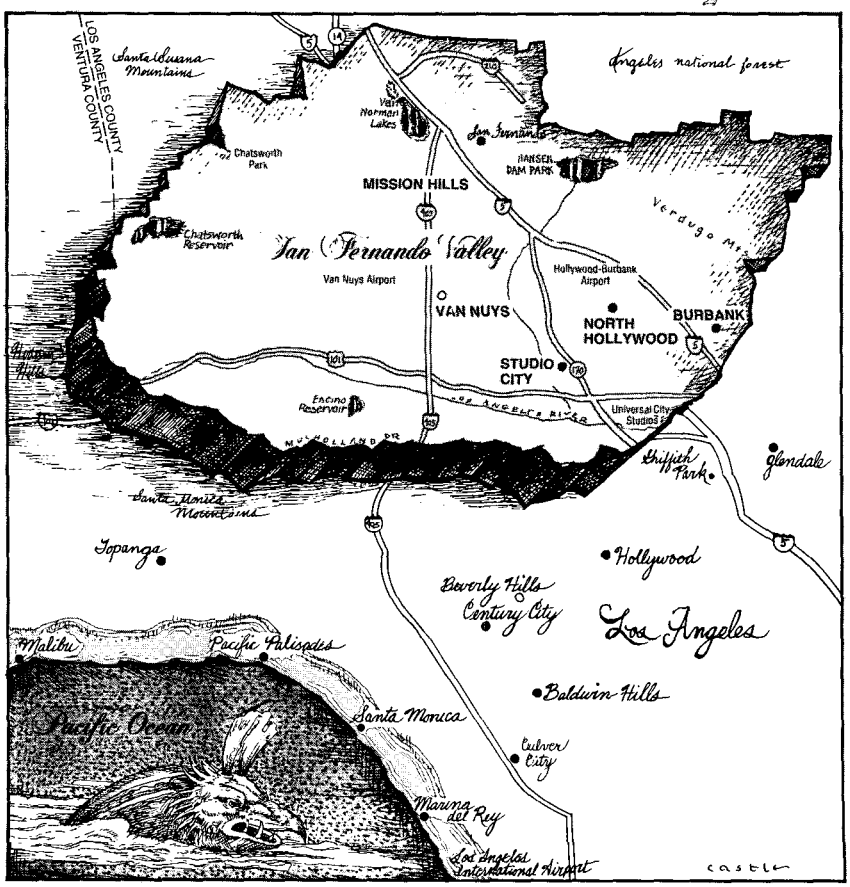
Boeckmann and Nordskog share a basically conservative philosophy, although they sometimes differ on specific candidates. Two candidates they agreed on were Hal Bernson

Profile of the Valley

The San Fernando Valley consists primarily of 254 square miles of Los Angeles city territory north of the Santa Monica Mountains and south of the Santa Susana Mountains and the Angeles National Forest. Also in the Valley, surrounded like an island in a sea of Los Angeles city, is the independent community of San Fernando. Burbank, another independent city in the Valley, lies east of the Los Angeles city limit.

The Los Angeles portion of the Valley has a population of about 1 million persons — enough to make it the second most populous city in the state (second to Los Angeles) if it were independent. The Valley represents a little more than one-third of Los Angeles' population and about 55 percent of the city's land area. (San Fernando and Burbank account for another 100,000 persons, roughly.)

While the Valley can be defined physically, it is difficult to define politically. Many political jurisdictions lump parts of the Valley together with other parts of Los Angeles, other cities, or even with parts of Ventura County. In fact, only eight of its 25 elected officials represent districts that lie entirely within the Valley. As a result, the politics of a particular legislative district may not reflect the politics of the Valley, even though portions of the Valley lie within those districts.



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(another CIVICC executive committee member) in his City Council bid and Alan Robbins in his unsuccessful try for mayor. Boeckmann's support of Bernson included checks worth $3,400 plus a $20,000 loan at 8 percent interest. His financial support of Robbins in 1977 took the form of checks amounting to $1,500 as well as a $101,395 loan at 7 percent interest. There were also some in-kind donations to both candidates.

Boeckmann also contributed about $1,400 in money and in-kind donations to Robbins' 1978 state Senate campaign and $500 to Bobbi Fiedler in her 1977 school board race. In addition, he says, he put up the "initial capital" to form Bustop.

In 1978, Boeckmann and Nordskog agreed on another candidate, Stephen R. Frank, public affairs representative for Nordskog Industries, was seeking the Republican nomination to challenge then-Assemblyman Jim Keysor. Frank got $1,000 from Nordskog, another $1000 from Boeckmann and a Boeckmann loan of $3,000 at 9 percent interest. After Frank lost in the primary to Robert Hayes, Boeckmann gave $500 to the ultimately successful Hayes campaign.

Frank is Nordskog's man on the political scene. He describes himself as a conservative Republican and considers himself a friend of Fiedler. While some Democrats see Fiedler as the "shining light" of the Republican party, Frank disagrees. "She is not the shining light of the Republican party," he says. "The Republican party wouldn't know what to do with a shining light. They would screw it up. You can quote me on that."

But if Fiedler is not a party luminary, Frank says, "she is a shining light of the Valley. She is *the* political leader, in my mind, of the San Fernando Valley."

Fiedler's future

Perhaps that's why rumors abound concerning Fiedler's political future. The most persistent rumor: that she will run against Corman in 1980. Fiedler has said she has not yet made up her mind about whether to run for Congress. But concerning two other sometimes-mentioned possibilities, she is quite definite: She does not intend to run for mayor or for the state Legislature, she says.

Corman's outward response to a possible Fiedler challenge is noncommittal: He'll bring his case to the people, he says, "as I have every two years."

But one Democrat who prefers to remain anonymous offers this assessment: "I think he's genuinely worried about it, and I know he's contacted several people about it."

Could Fiedler attract the money necessary to challenge a long-time incumbent? Yes, according to Frank. "People close to her — specifically, Arnie Steinberg, who ran (Congressman) Bob Dornan's campaign against Gary Familian — he's shown that he can bring in bundles from outside. He brought in $400,000 for Bob in that race," Frank says.

While Steinberg sometimes uses techniques similar to those of Virginia's conservative fund-raiser Richard Viguerie, Frank adds, "Arnie is very separate from Viguerie." It's true, he says, that "we're all on the same side, and we all work together whenever necessary. But there's not a partnership."

Like the Democratic Party, the Republicans have national, state and county organizations. But, Frank says, "Volunteer clubs are the backbone — at least in the Republican party — of candidate support."

He belongs to a North Valley unit of the conservative California Republican Assembly (CRA). Fiedler, Bernson and Weintraub also belong to the club. In addition to CRA, Republican clubs in the Valley include several units of the Republican Women's Clubs Federated (part of the Los Angeles County Federation of Republican Women's Clubs), Young Republicans, College Republicans and the moderate California Republican League (CRL).

The Republican Party structure in the Valley seems stronger than that of the Democrats. "Each Assembly district has an organization," says Goldwater aide Key. He adds that the GOP organizations are understandably strongest where Republicans are doing well, such as in the West Valley. Several of the Assembly districts have Republican headquarters and telephone listings. (Only one Democratic Assembly district headquarters is listed in the Valley telephone directory.)

"Each party, I think, has strong years and weak years," Key says. "Right now, Republican organizations out here seem fine. Most of the memberships of the Republican Women's (Clubs) Federated are very strong right now."

But the power base is in the Democratic party as far as the elected representatives are concerned. For example, only two Valley members of the Los Angeles City Council (Bernson and Wachs) are Republicans.

Power and popularity

Among Republicans, Goldwater is probably the Valley's most powerful elected official, while Fiedler is the most popular. For Democrats, the big power is Corman, and the man who seems to be on the move is Robbins. But while Robbins may be popular with the voters, his name evokes a generally negative response from those active in politics — both liberal and conservative.

"While Alan is a very good representative of the Valley and of his district, his first concern is himself," says one conservative Republican who has often agreed with Robbins politically. "I would say, judging Alan Robbins' political abilities from 0 to 100, it's 60 — barely passing. His personality is about 20. And his ego is 110."

On the other side of the political fence, Dodo Meyer has this to say: "I would say that he (Robbins) has some power, particularly now with his (involvement in the) busing issue and it being a popular issue out here. But those who know Alan don't trust him, don't like him, don't want to have anything to do with him."

Robbins' power within the Valley's anti-busing movement was illustrated last March, when he spoke at an anti-busing rally at a Valley junior high school. The meeting was billed in a newspaper advertisement as a rally to "recall the king and queen of forced busing" — a reference to Howard Miller and City Councilwoman Joy Picus. According to the official notice of intention, the Picus recall was based on housing issues (primarily rent control, she believes); busing was not mentioned. In fact, Picus supported Robbins' anti-busing amendment. But signature-gatherers frequently tied the Miller and Picus recall efforts together.

Robbins "was involved in the Howard Miller recall," explains Picus' chief deputy, Betsy Eaton. "He was not involved in Joy's recall. He had nothing against her. He agreed to hold a press conference with her. He also called the leaders of the rally, and he said, 'While I am there, and for an hour after I leave, there will be no mention of Joy Picus' name. And if you don't agree to it, I won't come.' " The rally organizers agreed. No Picus recall petitions were circulated while Robbins was there or for an hour afterward. "In this instance with Joy," Eaton says, "he was absolutely straight." (On May 26th the Los Angeles city clerk refused to accept the Picus recall petitions because they contained fewer signatures than required.)

Will Alan Robbins' popularity with the voters be enough to overcome his rather poor standing among those most active in politics? Will Fiedler be able to transcend her essentially one-issue image to challenge Corman successfully?

Few observers are making predictions. Says one Republican: "I would have to term the Valley a political Disneyland. You never know what's going to happen next."

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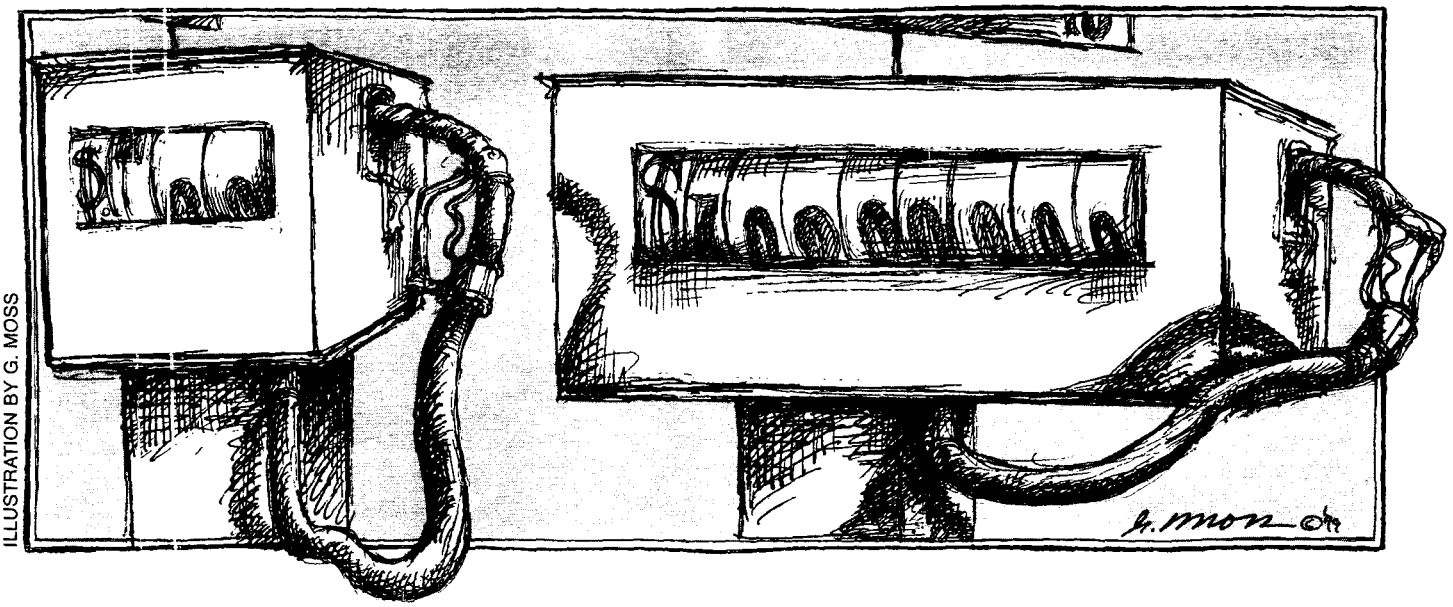

ILLUSTRATION BY G. MOSS

California's automotive future:

• Shift to diesel?
• Relaxation of smog standards?
• Higher fuel taxes to fund mass transit?

By Ed Salzman

Take a look at the current gasoline situation in California from the standpoint of miles-per-barrel efficiency and you come to one inescapable conclusion: Many more vehicles powered by diesel fuel ought to be on the highways. A barrel of crude oil — especially the kind now available in California — will produce more fuel at less cost if refineries are geared to producing distillates (diesel fuel) instead of gasoline. And diesel produces more energy per gallon than gasoline.

Nevertheless, federal and state policies have hindered the optimum use of diesel fuel — and for very good reasons: Auto manufacturers often cannot meet state smog standards with diesel engines (although three companies have obtained certification for next year), and there is a question about possible emission of carcinogenic particles from diesel engines.

At almost every point, when an attempt is made to assess the future of California's energy supply, the same bottom-line question arises: How much environmental protection is the state willing to sacrifice in exchange for more fuel and electricity?

The diesel advantages

The state Energy Commission estimates that less than 1 percent of the state's automobiles now run on diesel fuel; it has set a goal of 30 percent for the 1980s. (The commission is planning a major study of diesel problems next year.) As now written, state regulations on emissions — and oxides of nitrogen is the key problem for diesel — will get more stringent every year. The state has no regulations covering the problem of particulates (the cancer question), and the federal government is considering emission standards in that area.

The basic reasons why diesel is preferable to gasoline:

- ***California's crude oil*** supply is getting increasingly heavier, and this type of crude lends itself to production of diesel.
- ***More motor vehicle*** fuel can be obtained out of a barrel if refiners can emphasize diesel.
- ***Diesel engines*** are more efficient than gasoline engines.
- ***There is about*** 15 percent more energy in a gallon of diesel fuel than in a gallon of gasoline.
- ***Diesel fuel*** is slightly cheaper than gasoline.

For years, the diesel engine was considered cleaner than the gas-powered motor. That is not now the case. The gasoline passenger car has caught up. Now, the diesel engine has to cope with the problem of meeting the ever-tightening standards each year. For next year, three firms have already received Air Resources Board certification to sell diesels in California — Mercedes-Benz, Peugeot and General Motors. Note the absence of Volkswagen, which elected not to seek certification and to sell its diesels, which are in great demand, in more friendly regulatory territory. General Motors plans to build a large number of mid-sized diesel cars and is talking about conversion of one-quarter of its production to diesel by the middle of the next decade.

Under ARB rules, it is possible for a company to sell a diesel in California that produces more smog than a comparable gasoline car the day it is driven out of the showroom. That's because the ARB has established an optional set of

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standards which should make it easier to obtain certification of diesel models. Bill Sessa of the ARB explains that ordinarily air pollution standards apply to the first 50,000 miles a car travels. But the manufacturer can submit as an alternative the emissions from the first 100,000 miles. Since diesels are more durable, they can emit fewer pollutants than a gas vehicle over the long haul — even though the situation may be reversed when the vehicles are new.

It appears virtually certain that more Californians will be driving diesel cars in the 1980s, especially if the cancer issue can be resolved. But there is no one who can predict how fast the conversion will take place and whether it will require a significant reduction in environmental protection.

Current thinking

In fact, there are few hard and fast answers to many questions about California's future motor fuel supply. But here is the current thinking among those trying to solve these problems:

How tight is the state's gasoline supply apt to be?

California cannot escape the world shortage of crude oil. If any major exporter reduces the flow significantly, measures to conserve fuel will have to be taken. The days of unlimited supplies are probably gone forever.

Are prices likely to continue rising?

Pump prices depend primarily on two factors — government regulation and OPEC policies. Because government regulation is on the way down and OPEC prices will undoubtedly keep going up, pump prices will keep rising. There is a common misconception that prices in the United States are much lower than they are in the rest of the world. In fact, the European motorist does pay more at the pump — but mostly in taxes, not primarily for the gasoline. In California today, the purchaser of a $1 gallon of gas is paying about 17 cents in markup to the retailer and about 17 cents in taxes. The wholesale price of gas is about 67 cents. The base price of gasoline isn't much different in Europe, but the taxes can be astronomical — half the pump price or more. U.S. government policy may boost prices significantly — to produce revenue for transit systems and to discourage purchases.

Is rationing inevitable?

During a severe crunch, the federal government may be forced to impose rationing, as it did during World War II. But there are major problems. Politically, it is considered dangerous. No one has yet devised a system for allocating gasoline that all elements of the motoring public will consider fair. And it is very expensive to administer. Ken Henwood, gasoline specialist for the state Energy Commission, estimates that it would cost 1½ cents a gallon, or $180 million a year, to administer the program in California alone.

California and the world

California uses about 4 percent of the non-Communist world's crude-oil flow.

Here is a breakdown, in round numbers:

World – 50 million barrels a day.

United States – 20 million barrels a day.

California – 2 million barrels a day.

On an average, 60 percent of each barrel is refined into gasoline.

Will a significant amount of synthetic fuel be used in California?

The decision on diesel and the trend in the pricing of gasoline will be major factors in determining how much alcohol and other synthetic fuels will be marketed. It is easier to refine diesel than gasoline from synthetic fuels. Under the current technology, alcohol fuels are much more expensive to produce than gasoline. Nevertheless, government officials seem determined to put large quantities of synthetic fuels on stream, and significant amounts will be manufactured regardless of cost.

Will California continue to maintain an odd-even system in some counties?

That depends on how tight the fuel supply is and whether service station operators stay open on weekends. There are those who feel that weekend openings are more important than the odd-even plan because there is no automatic pump jam at the start of the week. The Assembly committee studying the 1979 gas crisis found that the shortage of gas was not as critical as had been thought and that public panic was a major factor contributing to the long lines. The committee's first report, issued by Chairman Mel Levine, contains no specific recommendations for legislative action. But it does emphasize the need for a close look at refinery capacity, especially with the switch to diesel a good possibility. Energy Commission statistics show that the gas crunch was aggravated by the shrinking number of pumps in recent years plus the tendency on the part of the motorist to go to the service station more often.

Who will market gasoline in the 1980s?

There is a move afoot in the Legislature to put the state in the gas business, but that has little chance of passing. The marketing pattern will probably not change much. Here are the major retailers in California by percentage of sale, according to Board of Equalization statistics: Chevron, 16 percent; Shell, 14 percent; Arco, 12 percent; Union, 11 per-

Newsmakers

Brown over blacks

A new black political-action organization — the Black American Political Association of California (BAPAC) — has been created, with Assemblyman **Willie L. Brown** of San Francisco as temporary chairman. Other top leaders are Assemblywoman **Teresa P. Hughes**, Southern California chairwoman, and Mayor **Lionel Wilson** of Oakland, Northern California chairman. The first convention is scheduled for October 6th in Sacramento . . . **Edward (Ted) Craig**, one-time speaker of the Assembly and lobbyist for Orange County over the last 15 years, died at 82.

Astronaut **Russell (Rusty) Schweickart** was appointed by Governor Brown to the state Energy Commission, succeeding Alan Pasternak in the engineer's seat on the panel . . . **Glenn G. Gooder,** former president of Santa Barbara City College, was named acting chancellor of the California Community Colleges. He is not a candidate for the permanent chancellorship...The Legislature has quietly reopened its office in Washington, with **Paul Sweet** of Yuba County in charge.

A deputy attorney general, **Charles R. B. Kirk,** was held in criminal contempt by Federal Judge **Samuel Conti** for "willful obstruction of justice" in a case involving a former Black Panther leader . . . **Michael (Mickey) Bennett,** executive director of the state Fair Political Practices Commission for the past five years, has resigned. He has chosen to abandon administration in favor of academia.

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cent; Mobil, 8 percent; Texaco, 6 percent; Lion, 5 percent; Gulf, 3 percent; Mohawk, Douglas, Powerine and Beacon, 2 percent each.

Will demand for gasoline keep growing?

California still is experiencing economic growth and an influx of migrants from other states. These factors increase demand for gas. The task of the state is to thake conservation countermeasures that will more than offset these demands.

Where will California get its crude oil?

In round numbers, the state's crude supply breaks down this way: California wells, 40 percent; Alaska, 40 percent; Indonesia, 20 percent. In recent months, the Indonesia supply has been cut somewhat, and an occasional tanker arrives here from Saudi Arabia. What is important is that the state's own oil and that from Alaska is heavy crude, which is much more suited to the production of diesel fuel than gasoline. The state has a large reserve of very heavy crude in Kern County, but in the past it has not been economically feasible to extract it on a large scale. There probably will not be a major change in the source of crude in the next few years, except that the mix will probably include somewhat less Indonesian oil and more heavy crude from Alaska and Kern County.

Will California have sufficient refinery capacity?

Capacity is not now a major problem. In fact, California now supplies refined products to Nevada and Arizona. (California is included in the federal petroleum region known as PADD 5. At times, the state sends so much gasoline to other states that it must import gas from the Gulf Coast to fill its allocation.) Nevertheless, there is significant concern about the retooling of refineries to make them produce at maximum efficiency, especially if synfuels are to be used and more diesel is desired. A consulting firm, Bonner and Moore of Houston, is now conducting a major refinery study for government and industry on California's future refinery needs.

Will truckers be able to survive the rapid rise in fuel costs?

There are those who feel that many trucks will be forced off the highways by high fuel costs and that the railroads will be carrying much of the freight that has traditionally been hauled by independent truckers.

Will conservation efforts succeed?

California has a good conservation record. The state's drivers long ago recognized the need to shift to small cars. It is a myth that Californians waste more gas than drivers elsewhere. On both a per-capita and per-vehicle basis, California drivers are slightly better than the national average. "In Texas," says Ken Henwood of the Energy Commission, "they think a Ford LTD is a small car." Higher gas prices have brought consumption down. In recent months, prices have risen 30 percent, and consumption has dropped about 9 percent. Henwood says the basic rule is that a 10 percent increase in price will produce a reduction in demand of about 1½ to 2 percent.

Will taxes on gasoline increase?

If the state and nation plan to invest many billions of dollars on transit systems, that is an obvious way to get the money.

Will mass transit be improved in California?

Those who analyze the energy problem feel it is mandatory that urban sprawl be contained so that trips will be shorter and so that attractive transit systems be built. The major emphasis will be in the Los Angeles area, where the automobile is still the basic commute vehicle.

Will the state be allowed freedom to solve its own fuel problems?

No. The fate of the California driver is inexorably connected to the national and international crude-oil distribution network.

Will California smog standards be relaxed?

The answer depends on whether Detroit will meet the challenge to produce fuel-stingy, pollution-free vehicles, according to Henwood of the Energy Commission. Car buyers are shopping for fuel economy. "Honda can't meet the demand," Henwood observes, "while American manufacturers can't sell standard models." He feels that the Honda Accord is "the car of the future" in California. It is obvious that there is pressure from Washington, from oil companies and from auto manufacturers to relax pollution standards. The state ARB has bent on occasion but has far from buckled. California probably won't abandon its stronger-than-federal regulations unless forced to do so by Uncle Sam.

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STRICTLY OPINION

With this column, the ***Journal*** *provides a forum for Californians wishing to express a variety of opinions on state political issues. Inquiries about possible future columns are encouraged.*

Energy in the '80s

By Michael R. Peevey

California's long-winded and too often sterile debate over whether woodchips and windmills are preferable to coal and nuclear begs the basic energy issue — will California meet its electrical needs in the 1980s?

One year ago, the California Council for Environmental and Economic Balance released two studies that concluded the state faces the likelihood of severe electrical energy shortfalls in the years ahead if the present ban on nuclear power continues and excessively rigid air quality constraints remain on coal use.

The studies noted that the state Energy Commission has developed a wide range of programs for exploring the development of various forms of energy. At the same time it sits in judgment of specific energy projects proposed by utilities. This situation is flawed because both regulatory and administrative processes are being performed by one agency. The Energy Commission thus plays the contradictory roles of judge, advocate and jury.

Three weeks after the release of the two studies, the Legislature established a special Joint Committee on Energy Policy and Implementation to review state energy policy and appended to it a diverse 12-member citizens' advisory committee to recommend ways of reorganizing energy policy and regulatory activities.

While the advisory committee was unable to agree on specific reforms, it did overwhelmingly agree:

- ***That state energy policy*** is neither articulate nor understandable.
- ***That the present*** regulatory process lacks certainty and coordination.
- ***And that political*** accountability is lacking.

The Legislature was left with the job of coming up with specific remedies for these basic maladies. The joint committee's staff recommended creating a new state department of energy to assume the policy development and administrative functions of the State Energy Commission.

Many of the staff's recommendations paralleled the conclusions of the CCEEB studies, including the following:

- ***Divide regulatory*** and administrative functions between the present Energy Commission and a new department of energy.
- ***Limit the*** Energy Commission's regulatory responsibilities to adjudicating forecasts, resource plans, power plant siting proposals and conservation regulations.
- ***Reaffirm the*** Energy Commission's authority to override other state and local agency standards and regulations in areas such as air quality.
- ***Charge a new*** department of energy with preparing biennial reports, long-range electrical and gas forecasts, and the development and promotion of conservation and alternative resources.

Noting that more than four years after passage of the Warren-Alquist Act, California's energy policy still lacked clarity, the legislative staff report added, ". . . recent changes notwithstanding, with its current structure of energy responsibilities, California will be unable to provide a clear, coherent and credible energy decision-making process."

Three bills seeking to reform state energy policy were introduced this past spring by Senators Barry Keene and William Campbell and Assemblyman Gerald Felando. Senator Keene's SB 778 cleared the Senate 22 to 4 but is held up in the Assembly Resources, Land Use and Energy Committee, whose chairman, Victor Calvo, was also chairman of the joint committee. Keene's bill would abolish the Energy Commission, transferring most of its functions to a new department of energy, with power-plant siting moving to the Public Utilities Commission. The other two bills remain in their house of origin. Thus, despite a clear sense that something must be done to alter the way the state makes energy policy, it now looks as if no legislation of substance will be enacted in 1979.

Last month, updating its 1978 electrical studies, CCEEB released a new study concluding that California faces a likely shortage of between 3,300 and 9,300 megawatts of electrial energy in the 1980s. The consequence may be economic dislocations and unemployment.

The study said this is unacceptable and unnecessary. It further concluded that the time for organizational experimentation in state energy policy-making is over. A workable mechanism that considers more than self-fulfilling prophecies must be established soon, or else California will have insufficient electrical energy in the future.

Pointing out that the state's official supply plan for 1990 contains 9,600 megawatts of coal and 7,800 megawatts of nuclear (some of which is located in Arizona), as well as 2,700 megawatts of geothermal and 500 megawatts of wind, fuel cells and biomass, the study concluded California will need all forms of electrical generation in the years ahead — woodchips, windmills, coal and nuclear.

Clearly, the time for drift and indecision is past. California can have a quality environment, a healthy economy and full employment with productive jobs at good wages. But achieving these goals requires changing the way California plans and develops its electrical-energy future. The time to meet a looming electrical energy crisis brought on by more than four years of policy drift, inaction and delay is now. Hopefully, the State Assembly will act. The price of inaction is simply too high.

Michael R. Peevey is president of the California Council for Environmental and Economic Balance.

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They call Assemblyman Lou Papan 'The Enforcer'

By Dan Walters

Lou Papan was waiting on that June day when Ken Maddy was sworn in as the state's newest senator. Papan was standing at the base of the Senate podium as Maddy took his oath after winning a San Joaquin Valley special election. He was the first person to congratulate Maddy as he descended from the podium.

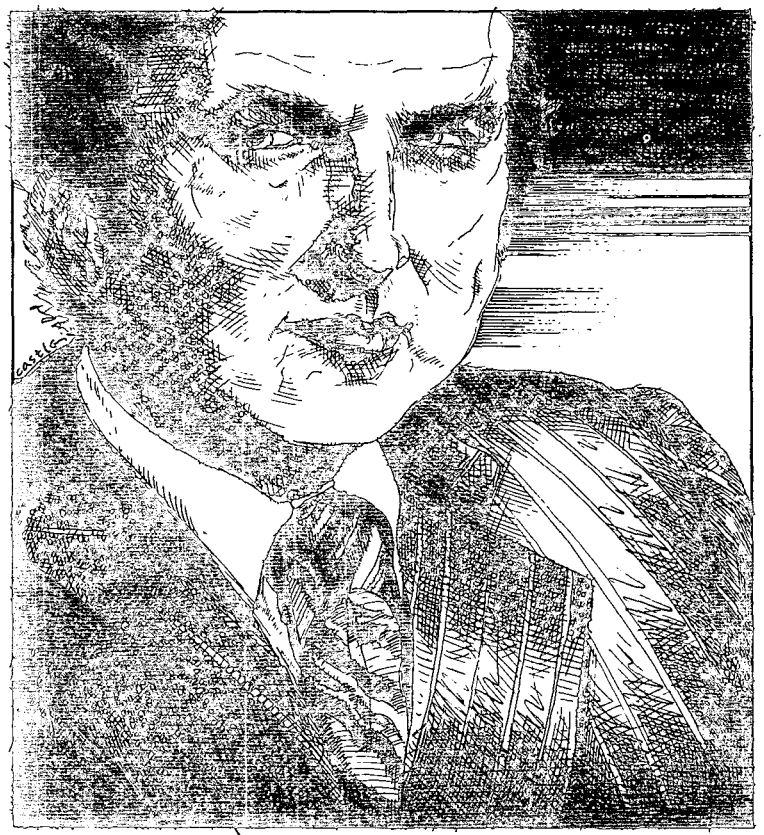
Three weeks later, Maddy voted to override Governor Jerry Brown's veto of a Papan bill restricting the ability of banks to sell insurance policies.

Brown had been overridden twice before — once on a death penalty bill and the second time on a retroactive pay raise for state workers. He was to be overridden again on a raise for state employees. And, given the hostile mood of the Legislature, it's likely that more overrides are in store for Brown.

But Papan's victory on the bank-insurance bill (AB 580) is one of the strangest stories in California politics. It doesn't involve one of those big emotional issues, such as capital punishment or abortion. It involves, instead, the narrow competing interests of two powerful economic groups, the state's bankers and the state's insurance agents.

It makes Papan's victory, therefore, all the more significant — a personal triumph for the pugnacious Millbrae Democrat they call "the enforcer."

Gray Davis, Brown's chief of staff and the field general of the governor's campaign against the override, paid tribute to his victorious foe: "Papan is like a heat-seeking missile and he never stops coming at you," Davis said moments after the Senate voted 28-6 for the override on July 12th. "As far as analyzing the chemistry, an indispensable ingredient was Papan."



Hugs and frowns

Papan, a 51-year-old former FBI agent, approaches legislative politics with an unmatched competitive instinct — the sort of instinct that once led to a fistfight with ex-Assemblyman Ken Meade.

Papan is a physical man who embraces a colleague affectionately one moment and glowers at another a moment later. Soft-spoken, he carries the same air of barely restrained violence that one encounters in a classic movie heavy.

Some of the less assertive members of the Legislature profess to be intimidated by Papan. "Lou sort of scares you," one assemblyman says. "He gives you that look if you don't go the right way. It's the sort of look that could kill. It sends a shiver down your spine."

Mostly, Papan uses his gift for gentle persuasion on behalf of Assembly Speaker Leo McCarthy. He is one of McCarthy's chief lieutenants and chairs the powerful Assembly Rules Committee. Among other things, the chairman of the Rules Committee decides which legislator gets which office. It's the sort of authority that Papan uses to discipline errant members.

Papan's single-minded pursuit of legislative victory has been displayed on many occasions. He is credited with single-handedly killing the perennial California Highway Patrol request for authority to use radar to nab speeders, for example. "I don't believe in radar," Papan says.

With good reason, one suspects. He's been nailed by the Highway Patrol for speeding at least five times as he commutes between Sacramento and his San Francisco Peninsula home. "I rode with him once," one of Papan's ex-passengers says. "Once was more than enough."

McCarthy is a frequent passenger as Papan rockets down Interstate 80. One of the tickets came with McCarthy in the car and became a *cause celebre* when Papan complained through the California Association of Highway Patrolmen. The ticket was canceled by a local CHP commander who was later disciplined by CHP Commissioner Glen Craig.

Persuasive powers

Adriana Gianturco, the state director of transportation, has clashed with Papan repeatedly over a long-stalled interchange project in his district. Virtually every time Gianturco — known for her fiery temper — shows up before a

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legislative committee, Papan is there to interrogate her about his project.

Papan needed all of his persuasive powers to push through his bill restricting sale of insurance by bankers. Banks themselves are forbidden by federal regulation to sell insurance, except for credit life. Larger banks have gotten around that prohibition by selling insurance through their parent holding companies.

Papan, a long-time insurance agent, contends that banks shouldn't sell insurance because they have an unfair advantage. Loan customers might believe, he contends, that they have to buy their insurance through the banks to stay on their bankers' good side.

A moratorium on insurance sales by bank holding companies, carried by Papan, was to expire at the end of this year. Papan and the Independent Insurance Agents of California introduced legislation to make the prohibition permanent. Papan signed up 77 co-authors in the Assembly — every member of the lower house except two — and 22 in the Senate when he introduced the bill in February. The California Bankers Association geared up for the battle.

As expected, AB 580 moved through the Assembly easily. It was stalled for a while in the Senate Insurance and Financial Institutions Committee as the bankers applied their maximum pressure. After hours of intense wrangling and arm-twisting in May, the committee approved the bill. The committee chairman, Senator Bob Beverly, cast the decisive vote for the bill after listening to personal pleas from Papan. Independent agents from committee members' districts showed up for the hearing.

The committee vote shifted the battle to the Senate floor. Bankers and insurance lobbyists blanketed the Capitol. When a senator showed up for floor session, one banker would open the door while another would make his pitch.

Senator Newton Russell, a Glendale Republican and former insurance company executive, carried the bill on the Senate floor. Freshman Republican Senator Marz Garcia, a former vice president of Bank of America, carried the opposition argument.

The stakes in the bill were immense — several billion dollars in annual premiums that the independent agents feared would be lured away by the banks. The bankers argued that they could offer better service and more competitive prices.

The Senate approved the bill by a 26-2 vote on May 25th. Few senators were willing to directly oppose Papan and the insurance agents. The vote came after several banker-sponsored amendments were rejected.

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The Brown veto

The Brown Administration had avoided the intense lobbying struggle until the last Senate committee hearing. Alan Stein, the secretary of Business and Transportation and a former banker himself, voiced opposition to the bill.

Bankers and former bankers are heavily represented in the administration. Finance Director Richard Silberman, for example, once owned a California bank and still owns a piece of a Swiss bank.

Governor Brown vetoed Papan's bill on June 9th. While the bill prohibits banks from selling insurance, Brown said in his veto message, "at the same time it does nothing to prevent other lenders, such as savings and loan associations, from selling such insurance. This type of restriction on competition is not only arbitrary, but also tends to keep insurance prices higher than necessary."

Brown vetoed the bill on a Saturday. Two days later, Papan ran an override through the Assembly on a 58-6 vote — four more than necessary. The administration was clearly surprised by Papan's lightning strike but recovered in time to stall an override in the Senate on the same day.

"Our Democratic governor never called me on the bill . . . after I placed a call to him which he never returned," Papan complained. He contended that the veto stemmed from Brown's presidential ambitions and a desire to please the banking industry.

As Papan stalked into the Senate after the Assembly vote, Davis and Tony Kline, Brown's legal adviser, showed up for counter-lobbying.

The Senate was far short of a full house. Papan counted noses and came up a few short. The San Joaquin Valley seat later filled by Maddy was vacant and Republican Senator John Nejedly was recuperating from a heart attack.

Three days later, Papan made his move. But Brown and the banking industry had been busy too. The June 14th vote was 24-8 — three short of the 27 required. Actually, Papan had two other votes lined up but couldn't find the 27th despite intense lobbying.

"Round 1 goes to the consumer," Davis said after the vote. "We won this round and we'll win the next round too."

The only apparent effect on Papan was to darken his eyes a bit more. "Baby, I've got 54 more days (to override a veto). I am going to win," he insisted.

Counting noses

Papan said he wanted to wait until the San Joaquin Valley seat was filled and Nejedly had returned from his sickbed. Over the next few weeks, Papan would show up occasionally in the Senate chambers to count noses.

"Are you going today?" a reporter would ask. "Maybe, maybe," Papan would reply. When Papan showed up in the Senate, administration lobbyists would appear, never certain when Papan would move again. He struck again on July 12th, just after Nejedly's return.

It was almost anticlimactic. A brief floor debate, followed by one roll call and another 41 minutes later. The outcome: a 28-6 veto override with both Maddy and Nejedly voting with Papan.

Although the heat-seeking missile had destroyed one target, it kept on flying. Papan and Howard Berman, the Democratic floor leader of the Assembly, introduced a bill that would allow out-of-state banks to operate in California. It would mean direct competition from major New York banks which want the bill.

Papan admitted that it represents revenge, of a sort, on California bankers. "If they want to fight, we'll fight," he said.

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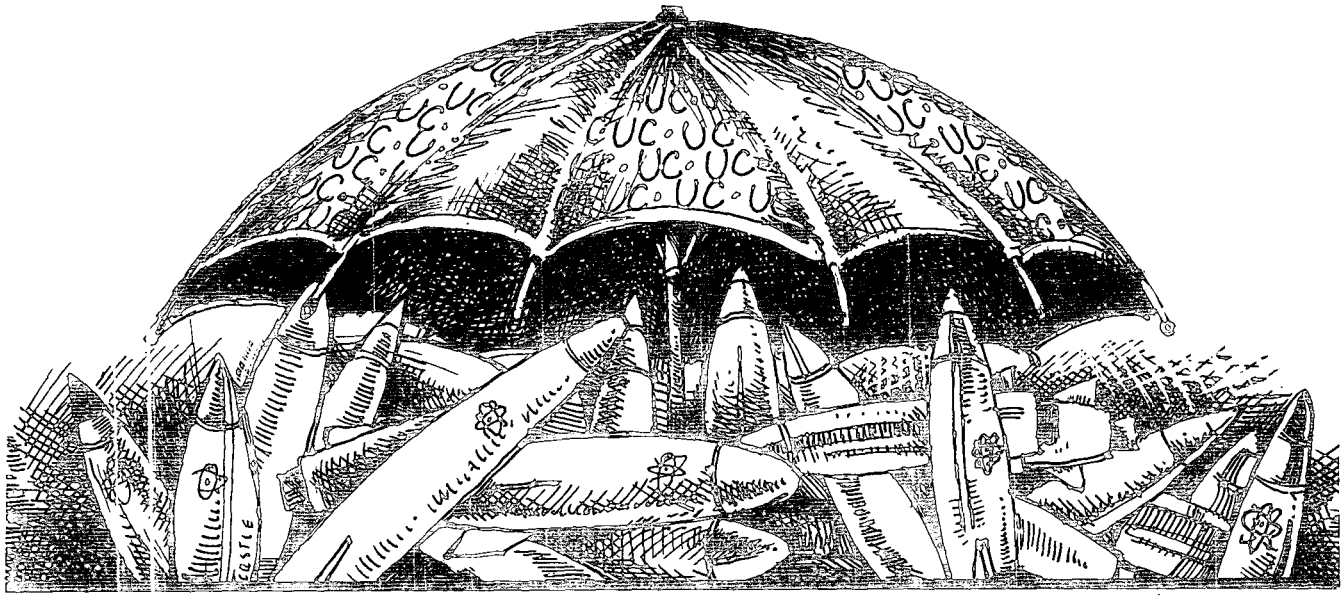
Brown's campaign to lead UC out of the weapons-lab business

By Michele Willens



It began as a legitimate coverup. In 1942, Berkeley physicist J. Robert Oppenheimer needed a place to work on a new idea called the atom bomb. He decided on a distant, barren desert near Los Alamos, New Mexico, where a few buildings were quickly constructed to meet his needs.

The work had to be secret, so the operation was code-named Manhattan Project and the University of California was asked to put its name on the lab as "manager." Since Oppenheimer was connected with the University, it was a convenient way to make people assume the work inside the laboratory was academically related.

Now, 37 years later, the connection between UC and nuclear weapons continues. In a sense, so does the cover of the UC name, if not the coverup. The true nature of the relationship may not be secret, but the use of the prestigious UC name on what is basically a government operation endures.

The 'historical accident'

The UC-weapons lab connection has been criticized before, but this year the debate involves presidential politics and the major issue of national nuclear policy. For the first time, the possibility of UC's eventual severing of its ties with the labs seems real.

Late in July, the University's Board of Regents voted down a motion by Governor/Regent Brown for UC to end the contract with Los Alamos and to convert Livermore into a strictly energy-research lab. The motion was defeated, but the emotions inside and outside the hearing room suggest that the severance forces, including Governor Brown, intend to keep fighting.

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All of this stems from what Governor Brown calls that "historical accident" in 1942 when the physicist selected to head the Manhattan Project happened to be part of the University of California. The work at Los Alamos in 1942-43 was devoted solely to the bombs dropped over Hiroshima and Nagasaki. Following that, it continued nuclear weapons research and development even though Oppenheimer resigned. A similar lab was opened in 1952 at Livermore, 40 miles from Berkeley, in the hope that competition between the two would spur the development of better weapons. That philosophy endures today, with the two labs now working up their own proposals for the multi-billion-dollar MX account.

The University of California, once understandably proud to lend its name to such important work, has received increasing criticism in recent years for its ties to nuclear-weapons research. Periodic protests over the relationship between UC and the labs have been heard, especially on the system's nine campuses. Student referendums on various campuses regularly reflect opposition to UC's involvement. This year petitions with more than 800 names of UC professors were presented to the regents at the July meeting. Other petitions, in the form of 100-foot-long murals, were also presented, carrying the names of UC students demanding severance.

But teachers and UC students gained a powerful new ally for severance when Governor Brown made a plea to the regents to end the University's laboratory ties. Brown, who introduced his motion early this year, showed up to speak in its behalf in July.

Many observers accuse Brown of jumping on the severance bandwagon for political purposes, to win back support of the left that he lost with his stand on a constitutional

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convention to balance the federal budget. Others say the whole issue is a perfect Brown vehicle: style with no substance, since weapons will continue to be developed, just perhaps not by UC-affiliated labs. Others accused him of not really pushing for his own motion. Brown never called any of the undecided regents, nor did he fill two empty seats on the board.

Brown says there was no point in lobbying for his motion since he knew he couldn't win. He ended up with seven pro-severance votes, 15 against. He also admits the issue may be symbolic and political: "It's a symbol with a very significant content," Brown says. "The limit of the arms race and the University connection to that is at hand. We can pause here and make a statement to the rest of the world, a human statement about the course we're on."

Swift reaction

There were swift congressional reactions to the Brown move. Representatives from Eastern urban states sought to capture the contracts for their universities. And there were rumblings that the University of California might have to pay a high price for abandonment of the weaponry labs — loss of large federal grants for basic scientific research.

The emotional or "moral" argument against the UC connection was articulated by Brown in introducing his motion: "The University shouldn't be in the business of building bombs and should get back to teaching and reflecting." When he made his final plea to the regents in July, Brown asked them to try to decide this question "based on your gut."

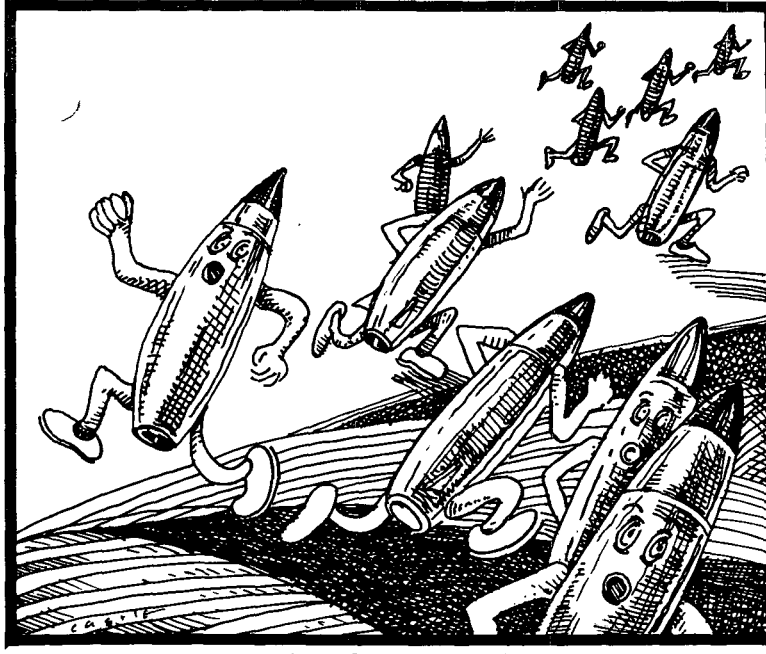
During the prolonged debate, UC President David Saxon conceded that the "historic accident" that began the connection is not sufficient cause to maintain it. Saxon said he feels the national interests of today make the UC connection worthwhile, but he admitted there is little in the relationship that benefits the Univeristy. His July statement left open the possibility that internal pressure could change Saxon's view: "So far the relationship hasn't affected UC in any way," he said, "but it may in the future."

Saxon and other UC-lab proponents claim the quality of the work inside the labs will decline if there is UC severance, because now the labs are able to attract great scientists who like the idea of working for a University and not the military. That was certainly the case in the beginning. When Oppenheimer went seeking other great minds to help make history at Los Alamos, he was startled to find reluctance. The physicists didn't want to work for what they perceived as a military operation. Oppenheimer realized he would have to convince them Los Alamos was a civilian laboratory, and the UC name tag made the difference.

"These labs are among the premier scientific and intellectual institutions of the world," geophysics professor Dr. Orson Anderson recently told the regents: "They are key to our national defense. But if they lose the University stewardship, they won't attract great men."

There is at least one precedent that suggests otherwise. In the late '60s, when anti-war sentiment was high, an Instrumentation Lab, or I-Lab, was connected to the Massachussetts Institute of Technology, operating under contract to the federal government. Those inside the I-Lab did research on nuclear weapons and mass-produced components of weapons systems. Dr. Henry Kendall, physics professor at MIT, recalls: "There was faculty and student dissent over the connection, and eventually there was a major confrontation. The upshot was that MIT did divest itself of the lab which is now run by a private corporation. Well, all the great scientists did not get up and leave just because the lab didn't have MIT's name on it anymore."

How does the arrangement between the University of California and the government work? The University has



five-year contracts with the Department of Energy, but the contracts can be terminated earlier with advance notice. The combined budget for the labs is about $700 million. The University receives $3.8 million for "administration purposes" for the labs. The University hires the 13,000 employees of the two labs who do about 50 percent weapons work and 50 percent energy research.

In 1970, a committee commissioned to look into the UC-labs relationship concluded that "the University's role has been that of benevolent absentee landlord." The so-called Zinner Report suggested a number of ways the University could play a more active role in overseeing the labs. Then a second committee, made up of scientists and professors, was formed in 1978. Its "Gerberding Report" concluded: "Despite the Zinner Committee's recommendations, despite the regents' responses, we see little difference between now and when the Zinner committee was appointed. We have concluded that the University manages the laboratories only in a limited sense."

So who runs the labs? "Some ideas have come out of lab employees hired by the University, but the defense people in Washington decide what programs they want," says Harold Agnew, director of Los Alamos for eight years before stepping down last March. "It wouldn't make a damn bit of difference anymore if the University cut its ties with the labs," Agnew says. "They can stand on their own."

Gofman's view

Another who has personal reasons for believing that is Dr. John Gofman, professor emeritus of medical physics at Berkeley and a former associate director of Livermore. "There's absolutely zero association between the University and the labs," Gofman says. "And you're lied to when you're told you're coming to work for the University."

In 1969 Gofman and an associate, Dr. Arthur Tamplin, were given an assignment and $3.5 million by the Atomic Energy Commission to look into "safe" amounts of radiation. "Our only error," Gofman says, "was fulfilling our charter. We gave them the answer they didn't want to hear, which was that there is no 'safe' amount of radiation and they were misleading the public with false figures."

Gofman claims that the next few years were filled with harrassment, with their funds being whittled away and their results quashed.

Many of the scientists and engineers working inside the UC labs agree with Gofman that the University plays a relatively minor role in the quality of work done inside now. In fact, about one-fourth of the professionals inside Livermore have organized into a quasi-union called the Society of

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Professional Scientists and Engineers (SPSE). The group's main concerns are salary disparities and the deterioration of scientific quality.

"This place has become top heavy with high-salaried, unimaginative Pentagon puppets," says one member. "Those great scientists they talk about wouldn't want to work here any more."

The dollar flow

Even though the work in the labs is half weapons and half energy, all the federal money comes through the DOE budget. The $400 million spent on the weapons work inside the labs thus is not reflected in the spiraling defense budget. Jeff Garberson, a Livermore lab public-relations spokesman, says the reason for this system is historical: "Atomic energy was discovered to be so rich in energy and so devastating in military potential that the government didn't — and doesn't — want the military to have complete jurisdiction over it."

Perhaps it is not surprising that the arrangement wasn't changed when the DOE came into being, since the man who headed it until recently, James Schlesinger, is also the man who used to run both the DOD and the Atomic Energy Commission. One of Schlesinger's last significant acts relating to the UC labs was in seeing that his choice to succeed Harold Agnew at Los Alamos, Donald Kerr, was accepted by a special committee of regents and scientists.

Governor Brown tried to fight Kerr's selection, calling Kerr "a Schlesinger clone." Brown's opposition to Kerr and his support for the severance issue have been received in Washington as political posturing. The official DOE line is that none of this surprises them since Brown wants President Carter's job and hopes his anti-nuclear positions will help him in 1980.

But the DOE has been affected. It recently had a report done of its own to determine if the disenchantment with the UC-lab connection is substantial. The Buchsbaum Report concluded that management by the University is still preferable — from the government's point of view — but it also recommended that the DOE start looking into alternative managers if the dissent grows louder.

A spokesman at DOE says, "We were told it is prudent to be prepared to find new management for the labs, but I don't think we're actively looking into any yet."

The very real fear inside the DOE these days is that the severance debate has become a major public issue and that the dissent is hurting morale inside the labs as well as on the campuses.

Harold Agnew says he left for that reason: "It wasn't the protests that bothered me as much as the lack of advocacy on the part of the University. They never came forward to support us. They dodge the issue and remain silent. They'd ask us to address students and explain what we're doing. Well, it's not our job to apologize to dissidents."

The anti-nuke voices

Nuclear-power opponents are adding their voices to the controversy. They insist that the hundreds of tons of plutonium kept inside the labs pose serious danger in case of accidents. While there have been no known serious incidents, Livermore is close to eight earthquake faults. Spokesmen for the lab say this was taken into consideration when it was built, but the California State Health Department has named the site "one of significant radiation contamination potential."

Hearings were held in June by the Alameda County Board of Supervisors about the safety questions at Livermore. The board is now asking the building department of the county to inspect the buildings for structural integrity, and the county health department is looking into health questions. More public hearings will be held when the results come back.

Some observers believe that severance is eventually going to occur. Odds are the change won't come from the regents but from the Department of Energy, probably with the consent of an increasingly uncomfortable UC President Saxon.

In the meantime, Governor Brown says, "I'll bring it up again and again with the regents. I'll keep on pushing it. I really think this is just a beginning."

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How the Arts Council shed the 'weirdo' image

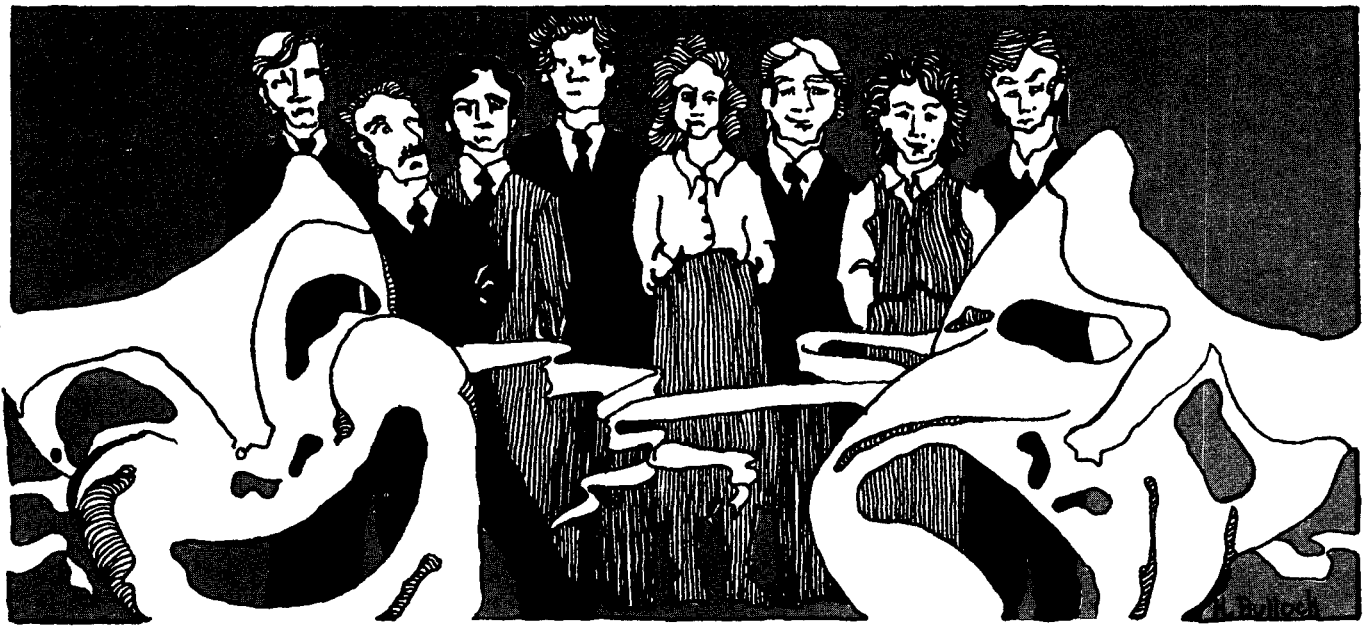

ILLUSTRATION BY KELLI BULLOCK

By DOROTHY A. KUPCHA

In 1976, the newly formed California Arts Council appropriated $1,000 to an artist to construct a drumlike musical instrument to attract dolphins at sea. The purpose of the project was to see if it would be possible to lure dolphins away from the nets of tuna fishermen, to avoid the needless destruction of the mammals by the fishing industry. But the council's action had repercussions far beyond the fate of a species of sea creature.

For some skeptical lawmakers, the grant was simply too radical an approach to state support of the arts. Legislators denounced it, the press had a field day with it, and the story of the Arts Council and the dolphins turned into one of the biggest "fish" stories around. Through telling and retelling, the story was transformed until it was the council itself playing music to dolphins, the council paying people to play flutes to whales and, in one rendition, even arranging for an entire orchestra to go down to the beach to play for the fish. In one legislative press release as recent as March 1979, a state senator mentions the council's "controversial programs such as serenading sperm whales at sea with underwater sound equipment." The story of the dolphin drum became for many the symbol of what the arts council appeared to be — a flaky bunch of radicals wasting taxpayers' money to accomplish worthless tasks, all the while making a mess of the state bureaucracy it was supposed to help run.

Struggling against that image became as important a task as any other facing the council, but it looks as if the fight is finally paying off. The CAC has managed to shed much of the "weirdo" aura it acquired during its first three years of existence, and according to one budget official in the Department of Finance, "is well on its way to being an efficient state agency." In this year when "cut, cut" has been the budgetary battle cry throughout state government, the CAC emerged with a 500 percent increase in its budget, from a post-Proposition 13 low of $1.4 million last year, to $7.4 million for 1979-80. (With federal funds, the council's budget totals $8.3 million.)

Transforming process

How did this transformation occur? To understand that, it's necessary to understand where the council has been for the past three and a half years. In January 1976, Governor Brown formed the Arts Council after allowing the 13-year-old Arts Commission to die. The function of the council, like the commission, was basically to hand out money to support the arts throughout California. But unlike the commission, which was generally populated with wealthy arts patrons and friends of high-level politicians, Brown's council was based on another concept: letting working artists decide how the state would spend its arts money.

Thus, in place of the previous arts commissioners who tended to be characterized by three-pieced suits and monied affection for the arts establishment (symphony, ballet, big museums), Brown brought in a motley collection of relatively unknown artists whose work included poetry, plays, fiction, acting and sculpture. The newcomers tended to be characterized by blue jeans, soul-handshakes, and a predisposition toward counter-culture approaches to the arts. Only one, Fresno businessman Karney Hodge (who later

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would refer to himself as Brown's "token bourgeois") fit the traditional mold of an arts appointee. Hodge at that time was a leader in the Partnership for the Arts, a lobbying group.

One of the first tasks for the newly formed council was to figure out exactly what to do with its money. According to the CAC's enabling legislation, its job is to encourage artistic awareness, help local groups develop arts programs, promote the employment of artists, provide for art displays in public buildings, and help state agencies "ensure the fullest expression of our artistic potential." Heady jobs for any group, and certainly ones quite open to interpretation.

Some of the projects undertaken included setting up a resident artist program for prisons, hospitals, and mental health facilities; supporting innovative arts programming in public schools; granting funds to arts groups for a variety of projects; and making assorted kinds of technical and information assistance available to arts groups. During this came the much maligned dolphin grant and several other avant-garde projects of which so many legislators took a dim view.

As the council struggled to define and fulfill its duty to the public, it seemed to develop problems wherever it turned. It widened an already large gulf between the government and many arts groups in the state. Governor Brown had alienated large segments of the arts community when he killed the old Arts Commission, and he upset still others when he delayed in setting up a replacement for it. The result was a loss of continuity and subsequent loss of several federal grants. And with the council's apparent emphasis on "alternative arts experiences," many established arts groups felt left out in the cold. Adding to that uncomfortable situation was the council's own lack of administrative and political experience and a staff that was in a constant state of turmoil. The council went through two executive directors, in short order, until the post was finally left vacant for 18 months, with its duties carried out by an acting executive director. As the council muddled through these problems and its own identity crisis, Proposition 13 passed.

Money and praise

Yet, despite the fact the CAC's first post-Jarvis budget was slashed to $1.4 million (from $3.4 million the previous year), Proposition 13 did not toll the death knell for the council. Because of a number of related circumstances that all seemed to come together at the right time, the CAC came out of the budget-hearing process with a huge increase in funding and the praise of many of its former critics.

"They got their money because they did their homework," says Jack Watson, consultant to the Senate Finance Committee. The committee had criticized the council in the past for poor organization, poor administration, lack of sufficient program analysis and lack of proper record keeping. "But this year, they came in with the information required of them and showed they had changed their way of doing business," says Watson. "The senators were impressed and said so." Robert Harris, program manager for the Department of Finance says, "They basically have adopted all recommendations, responding positively and dealing with internal

The Fonda Syndrome

Jane Fonda's stint on the California Arts Council lasted barely four months. In that time she attended two council meetings, hired her own assistant to help her in council-related matters, "listened a lot and worked hard," according to her colleagues. Aside from those personal traits, Fonda had something special to offer the council — her visibility and her connections with the film industry. In addition to letting the council get as much mileage as possible from those advantages, she was working on other ideas as well: how to involve unions in cultural programs for working people, how to develop new ways of raising money for the arts.

But all that came to cold shutdown when the state Senate in July booted her from office by a vote of 25-5. The act is seen by many as being as much anti-Brown as it was anti-Fonda. Much of the heat that ignited the furor was generated by Brown's controversial appointment of Edison Miller to a vacancy on the Orange County Board of Supervisors, on the recommendation of Fonda and her husband, Tom Hayden. Miller, an ex-Marine Corps officer, was criticized for his actions while a prisoner of war in Vietnam.

But while anti-Brown sentiment was there, the talk on the floor of the Senate concerned Fonda herself, and her anti-war activities of days gone by. Democratic Senator Ruben Ayala of Chico, a World War II veteran, brought the issue to the floor, declaring, "Anyone who gives aid or comfort to the enemy at the time of war, forfeits and waives the right to serve in an appointive position at any level of government." Other senators joined in the anti-Jane chorus until the vote was taken. (Seven Democrats abstained.)

Fonda didn't get a chance to answer her accusers in the Senate, but she did get a platform at the July meeting of the Arts Council — with the governor at her side, and a full rank of reporters and TV crews capturing her every word. After hearing the governor attack the "small-mindedness" of the senators, and their inability to recognize "that art must transcend politics," Fonda herself let out a barrage of invective against the Senate. "It is shocking that a large majority of our state Senate chose to inject politics into what should have been a discussion of my merits as an artist to represent the Arts community in California. They excoriated my name and reputation in the most vicious terms on the floor of the Senate without offering me any opportunity to answer the charges. These senators appeared to have forgotten the meaning of the word democracy."

Council members joined in blasting the "return of McCarthyism" they say prompted Fonda's ouster. Incoming chairman Harold Keith suggested finding legal ways to challenge the Senate's decision. Outgoing chairman Peter Coyote decried the Senate's act of "denying legitimate channels of dissent," saying the action could have serious repercussions for artistic expression. One council member was conspicuous by his absence: State Senator Bob Wilson, who voted against the Fonda confirmation. *D. K.*

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and procedural problems. In short, they can stand up and be proud."

While the council was doing its homework, it apparently was also mending some fences and garnering some support it didn't have before. This was amply demonstrated last winter, when more than 400 people from all over the state converged on the Capitol, rallying for a boost in the CAC budget. The crowd represented a cross-section of the state's arts constituency, from big-league professionals to small-time amateurs. The gathering itself represented the first time there had been such a mobilization to push for increased arts funding.

Much of the praise for the CAC's budget success story goes specifically to Peter Coyote, the San Francisco actor and playwright who served as council chairman during the budget-hearing process. Coyote admits, "The council made a lot of mistakes the first three years, but we learned. We not only learned how to make our own operation work more smoothly, we learned how to sell ourselves to the Legislature." Coyote says an important step involved showing that the CAC serves the public, not just artists. "We're not a giveaway program," he says. "We're cost-effective. Investment in the arts in California makes good economic sense."

Looking ahead

Coyote points to a recent study by an independent consulting firm on the economic impact of state arts funding. The report, by Steve Thompson and Associates, suggests that whatever money the state spends on the arts comes back to it many times over. According to the consultants, a $9 million expenditure in the arts (originally proposed for 1979-80) would result in an increase of $110 million in terms of gross state output, the value of the economic activity generated within the state. In other words, thriving arts activities mean good business for California's restaurants, hotels, retail stores, taxis and bus companies. The same $9 million expenditure would also create more than 2,000 new jobs in industries affected by arts spending and generate an increase of $2.6 million in tax revenues to the state, the report said. Such arguments can do much to sway skeptical legislators.

So the Arts Council began a new era with the new fiscal year. Along with its healthy new budget, it has a new executive director, William Cook. Governor Brown plucked Cook from San Francisco Mayor Dianne Feinstein's staff, where he worked as a program manager and budget analyst. Previously, Cook served as board president to the San Francisco Bay Area Dance Coalition. In another change, the reins of the council have passed from Coyote to recent board appointee Harold Keith, a wealthy Beverly Hills businessman who years ago was a Broadway actor.

What will the council do with its money and its newfound clout? "Ideally," says Chairman Keith, "we should help each community become so involved and committed to the arts we wouldn't really be needed any more. They would do their own fund raising, and we would only be there for technical assistance and advising." That, he admits, is only wishful thinking at this point, and his plans for leadership are more concrete. Among other things, Keith wants to establish a network of volunteers throughout the state to monitor activities supported by the council and to involve the most prestigious members of the arts community in the council's work.

Keith and council members agree that one of the biggest jobs facing the CAC is communicating with the arts constituency in the state. By far, most of the groups that apply for CAC grants are in the San Francisco Bay Area, even though Los Angeles has many more arts organizations. And there are countless groups scattered throughout the state with little or no connection with the council. CAC wants to set up better information systems, to let these people know what resources are available to them, and to decentralize its authority through a number of pilot projects. Under decentralization, local arts panels would be given the power to hand out state grant money in ways they saw fit. The theory is that local groups are best equipped to decide how to foster local cultural growth.

Another direction the council hopes to explore is the rather hazy mandate in its enabling legislation to help state agencies ensure the fullest expression of artistic potential. A few cooperative programs have already been tried with the departments of corrections, education, and mental health services. If the council can expand the number of projects, the net effect could be similar to a budget increase for the CAC. Departments like health and education have budgets that run into the billions of dollars. If a few million are channeled into council-sponsored projects that help the larger agencies do their jobs, the CAC will expand its sphere of influence without having to deplete its comparatively tiny budget.

Council member Karney Hodge says he thinks the concept has "immense potential," but he doesn't think it can be carried off unless there is firm support from Governor Brown. "What we really need is for the governor to call in agency heads and tell them he really wants them to make this thing work." Without such top-level commitment, says Hodge, the whole thing would become bogged down in the bureaucracy.

Executive Director William Cook says he hopes to explore a whole new area of arts funding for the council, through private foundations and corporations. "Government can't be the major supporter of the arts," says Cook, and funding sources must be developed from the private sector. Cook says while foundations usually have their hearts in the right place, they often tend to dribble their money away in ineffective bits and pieces. He sees the council as a conduit for private money — setting up a mechanism for bringing arts groups and funding sources together.

The Hollywood entertainment industry is another vast resource that's been virtually untapped by the CAC. It had been hoped Governor Brown's appointment of actress Jane Fonda would help bridge that gap. (See box.)

Waiting for proof

The current Arts Council is a different entity from that first collection of counter-culture zealots Brown gathered in 1976. Many of the characters are the same, but they've lost the naivete that marked their first stumbling efforts as a group. And there have been some personnel changes. The governor is not the only one who can come up with surprising political appointments. The Senate Rules Committee, under a recent change in policy, now gets to choose one member of the CAC. It chose San Diego State Senator Bob Wilson, who had earlier tried to abolish the council and is still a frequent critic of its actions. There's concern among many council members that Wilson's appointment represents a conflict of interest, since the Legislature votes on council funding.

Despite the fact the council's future appears rosier than it did even a year ago, not everyone is sold on it. Republican Senator H. L. Richardson of Arcadia has a bill pending that calls for the CAC to be put out of business as a waste of taxpayer money. Even those legislators who support the council are waiting for proof it can effectively make use of its newfound strength. Peter Coyote, reflecting on the CAC's past and future says, "There will always be controversy surrounding the Arts Council. That's because artists are always dancing on the cutting edge of change, and change is always controversial."

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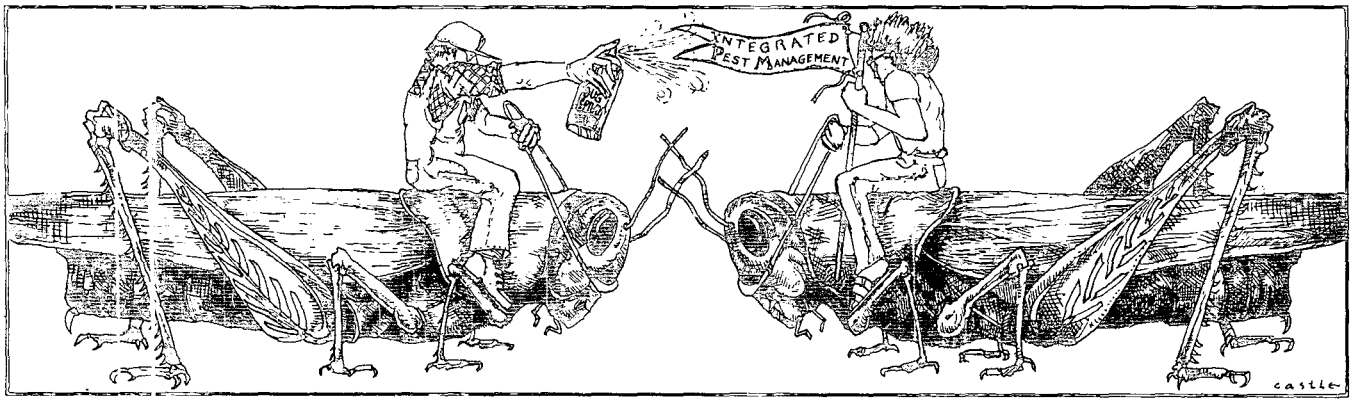
Farmer view of Huey Johnson: ***'An environmental extremist who would turn California into one giant backyard organic herb garden.'***

Climax of the pesticide war between growers and ecologists

By Eric Brazil



The California Department of Food and Agriculture is on the last lap of a three-year drive to forge pesticide regulations that will satisfy the state's environmental law without making its agricultural constituency too unhappy.

It has been under murderous pressure all the way. Agribusiness, which spends $375 million a year on pesticides, thinks the state already overregulates the field. Environmentalists clamor for a tough program to wean growers away from pesticide overuse and to protect the public health. They're convinced that the department flinched at the conclusions of its own Environmental Assessment Team and veered away from implanting them in the heart of the proposed regulations which are now the subject of public hearings throughout the state.

The pesticide battle has seethed behind the scenes in Sacramento since the Legislature tossed the ball last year to CDFA. Although most of the criticism that has surfaced so far has come from environmentalists, the department is getting plenty of heat from agribusiness which, from long experience, knows where to apply the pressure.

It was former Attorney General Evelle Younger who turned up the flame under the pressure cooker in which CDFA finds itself. In May 1976, in an opinion on roadside use of herbicides in Mendocino County, Younger ruled that issuance of pesticide use permits by county agricultural commissioners is an activity covered by the California Environmental Quality Act (CEQA), because of pesticides' potentially damaging environmental effects.

That opinion socked agribusiness right between the eyes and brought howls of outrage. The notion of having to file an environmental impact report for each of the 50,000 pesticide permits reported every year in the state appalled the farmers who use pesticides and the industries which manufacture, supply and advise on their use. It didn't take much imagination to conjure up the nightmare vision of insect armies chomping up crops as the folks who grow scribbled away on voluminous permit forms. The Legislature, picking up on the message quickly, enacted a moratorium exempting pesticide use from CEQA until July 1978.

Younger's opinion was never tested in court but neither was it filed and forgotten. Its reverberations are still being felt:

- ***It sparked*** an energetic, high-visibility campaign for Integrated Pest Management (IPM), a method of pest control which relies less on chemicals than California growers are used to.
- ***It also triggered*** the creation by then-Secretary of Agriculture and Services Rose Bird of a 40-member Environmental Assessment Team (EAT) to look into all aspects of the state's pesticide program and to lay the baseline for its comprehensive revision.
- ***It seems to have*** had the indirect result of prodding the University of Calfiornia and the department itself to take IPM a lot more seriously than in the past.
- ***And it set up*** a test for the department: to prove to its critics that it is not operating solely for the benefit of the state's growers and chemical companies.

Shaping the showdown

Two events occurred in 1978 to shape the current showdown. First, the Legislature enacted AB 3765 by then-Assemblyman Vic Fazio of Sacramento. Second, the EAT weighed in with a 12-pound, four-volume, 2,100-page report on pesticides. It was relentlessly critical of the CDFA conduct of the pesticide program, and it called for a thorough overhaul.

AB 3765 enacted a two-year extension of the pesticide moratorium, but it also required the department to formulate a pesticide regulatory program by November 1st, 1979, one which could be approved by the secretary of the Resources Agency as the "functional equivalent" of a statewide environmental impact report complying with the act. Signing the bill in June, Governor Jerry Brown hailed it as "a victory for common sense" and "a major step forward." In fact, AB 3765 took the heat off Brown and the Legislature

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and deflected it to the Resources Agency.

The assessment team's report was a bombshell. Its thrust was that state regulation of pesticides was utterly inadequate to protect public health. No one, the report said, seemed to know how much pesticide was being used — or where or how or why. There was scant documentation on registration and permit issuance, little opportunity for public input on pesticide use and a defective program for monitoring toxic residue on crops, it charged.

Overall, EAT described a system so structurally flawed and biased in favor of the pesticide industry that it invited and condoned large-scale experimentation with human life — and an invitation to pesticide overuse.

The report made 68 recommendations, including tightening up the registration, pesticide re-evaluation and permit processes, encouraging greater use of IPM and documenting pesticide use decisions

Agriculture's collective response, in hundreds of pages of submissions to CDFA, was to dismiss the report as an academic dreamsheet, the work of hot-eyed radicals who didn't know a cucumber from a can opener.

"I think the report is the development of a program to meet an idealistic, mythical society," said the California State Chamber of Commerce's agricultural director James Van Maren.

Jack Pickett, redoubtable publisher of *California Farmer*, thundered in a recent editorial that the EAT report "comes as close to a death sentence for California agriculture as anything we have ever had. (It) is bad, bad news for agriculture . . . It is jampacked with unworkable, unrealistic regulations by people who don't know agriculture, yet seem bent on destroying agriculture."

Worst of all, Pickett said, is that "this enormous bundle of impossible regulations has to be 'approved' by none other than Huey Johnson, Governor Brown's secretary of resources, who is well known as an environmental extremist who would like to turn California into one giant backyard organic herb garden."

In fact, Johnson did write CDFA Director Richard Rominger what amounts to a fan letter for the assessment team's work. Unless Johnson approves the proposed program by next January 1st, it's in deep trouble — possibly dead. (Although his imprimatur graces the title page of the EAT report, Rominger has been careful to keep his distance from it and to note that the recommendations were made without considering their financial feasibility.)

A glossy stone wall?

The pesticide proposals were completed in July, with CDFA putting the finishing touches on them less than two weeks before the first scheduled public hearing in Riverside. Even before the ink was dry, critics were charging that the proposals created a cleverly constructed stone wall, erected by department hardliners doing the bidding of the pesticide industry.

Sacramento Attorney Robert B. McCray, EAT's counsel before it went out of business in January, said the proposed program is just "an affirmation of existing practice. It's not certifiable," he said. "As of a year ago, we knew the program was not complying with the law, and these regulations are simply a gloss to comply with procedural requirements.

"They have all the right words, but you can't change pesticide practice by fiat. You have to make sure that these growers and advisers actually consider and specify the steps they have taken before they use a pesticide," he said. Basically, "they don't make any of the changes that EAT recommended in the areas of registration, re-evaluating pesticides now registered, tightening up the permit procedure or providing for public input.

"For years they have been saying that they have the best program in the world, so it's not surprising to me that they want to have it affirmed as it is," McCray said.

"There was no effort made to force IPM. It is an effort to preserve the status quo," said Jeff Gabe of Citizens for a Better Environment, a Bay Area conservation organization. "They were very hesitant to require any type of documentation on feasible alternatives. Basically, what they have now is a check box on the permit form.

"I haven't seen an awful lot that's encouraging that the program will reduce pesticide use in the state so that things will be any safer for farmworkers and consumers," he said. Gabe was a member of one of the agriculture department's advisory committees which worked on the program.

Mary Haan Shinoff, chairperson of the Oakland-based Coordinating Committee on Pesticides, a 35-organization umbrella group, said the proposed program "isn't close to being certifiable." The "symmetry" of input her group sought for the general public to balance that of agribusiness in CDFA deliberations is nowhere evident in the regulations, she said.

Agriculture's response

CDFA officials deny such assertions, and agriculturists seem genuinely puzzled by them. If the regulations are adopted in their present form, they're going to mean a lot more work for agricultural commissioners, pest control advisers and growers; and the benefits flowing from them will be questionable, they say.

Imperial County Agricultural Commissioner Claude Finnell said he figures it will cost his department $176,000 a year more for pest control under the proposed program. "The record-keeping under this thing is just horrendous, and I don't think it's going to do the pest control program any good. But it qualifies under CEQA."

Ivan Smith of Western Agricultural Chemicals Association thinks the program essentially redundant and potentially burdensome on California agriculture, particularly in that it seems to create the state equivalent of the federal Rebuttable Presumption Against Registration process, under which a pesticide can be singled out for re-evaluation and possibly removed from the state's list of registered materials on thin suspicion.

Some of the proposed regulations, such as determining pesticide residue on a crop bound for market within 24 hours, are technically impossible, Smith says. Even so, he thinks the program may be as good as agriculture can get, and "I think we're going to have troubles getting it certified."

Pest Control Advisor Scott Johnson of Stockton, a member of one of the agriculture department's two advisory panels, isn't so sure. "We have no pride of authoring these regulations. The commissioners and the agricultural people thought they already had a very strict program. We were involved to keep things on the side of reason. In fact, I don't think they are."

Data requirements proposed under the new registration procedures and the items which trigger pesticide re-evaluation are so open-ended that they could be exploited to cripple agriculture and drive chemical and food-processing industries out of the state, Johnson claims.

The residue monitoring requirement makes no sense, and although the industry can live with it, permit procedures proposed are going to cost somebody — ultimately the consumer — $17 million more a year, without diminishing agricultural chemical use, he says.

Despite the criticism, CDFA's Chief Deputy Director Daniel Dooley, the man in overall charge of preparing the new pesticide regulatory program, says he's pretty sure Johnson is going to approve it, "maybe more confident than

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Challenge from the left for San Diego Mayor Wilson

By Donald H. Harrison

Thirteen years after he resigned from the presidency of the California Democratic Council in a memorable fight over his anti-Vietnam War views, Simon Casady has a new political cause. He is trying to unseat former Republican gubernatorial candidate Pete Wilson from his job as mayor of San Diego.

Casady, 71 clearly is the underdog in the September 18th primary election contest which also has attracted five lesser-known candidates. While Casady's campaign manager, Wayne Hughes, is predicting that Casady and the other challengers will obtain just enough votes to force a runoff election November 6th, Wilson's campaign manager, Mike McDade, flatly is predicting a Wilson victory in the primary.

At first blush, McDade's prediction does not appear all that daring. Si Casady is not nearly so well known by San Diegans nor so well financed as was Wilson's opponent of four years ago, Lee Hubbard. And Wilson won an astonishingly easy 2-1 victory over Hubbard, who as a member of the City Council commanded a forum that private citizen Casady does not.

San Diego generally is considered a conservative town, and arguably Wilson has more to fear from pro-growth Hubbard's challenge from the right than he does from Casady's challenge from the left.

Casady, former publisher of the *El Cajon Valley News*, was an early foe of the war in Vietnam. As CDC president, his denunciations of "Lyndon Johnson's war" and his expressions of sympathy for draft-card burners rankled Governor Edmund G. (Pat) Brown as he prepared to seek a third term against a challenge from Ronald Reagan. With the help of Alan Cranston, Brown Sr. orchestrated a 1,000-859 "no-confidence" vote against Casady by the CDC membership, a vote that led to Casady's resignation in 1966 and, in the view of some California political historians, to the decline of CDC as a factor in state politics — so bitter and divided did the issue leave its members.

Living martyr

Later, when opposition to the war in Vietnam became a litmus test for political liberals, Casady was elected by many in the Democratic party to the status of living martyr. When CDC celebrated its 25th anniversary in San Jose two years ago, applause at a dinner honoring past presidents was louder and longer for Casady than for Cranston, CDC's founding president. Buttons flourished with a misspelled but nevertheless clear sentiment: "Cassidy has a year coming."

The ideology of the challenger is only one difference between the mayoral contests of 1975 and 1979. Another, which Casady hopes will be important, is the fact that Wilson is running for a third term, just two terms after he excoriated Mayor Frank Curran for trying to do the same thing.

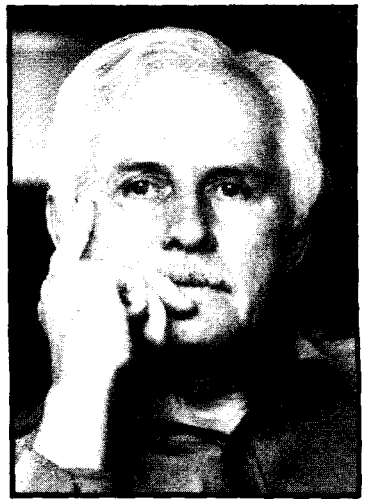
Casady contends that after eight years, San Diego is tired of the boyish-looking mayor, and that Wilson is tired of San Diego. He contends for the 45-year-old Wilson, another term as mayor is just a fall-back position — a way to stay alive politically until he can run for statewide office in 1982, either for governor again or for the U.S. Senate. Casady also has the endorsement of none other than Senator Barry Goldwater — a reward for the Californian's support of Goldwater many years ago when the senator was launching his political career. Casady was then the publisher of a major newspaper in Phoenix. (The senator's son, Congressman Barry Goldwater Jr. is supporting Wilson.)

Wilson was in the middle of his third term as an assemblyman when he ran successfully for the mayorship of San Diego in a campaign in which he spurned a contribution from financier C. Arnholt Smith and voiced dismay over runaway residential development. The 1971 campaign had come on the heels of San Diego's "Yellow Cab scandal" in which most of the City Council was indicted on charges of taking bribes from the Smith-controlled Yellow Cab Company. Most council members later were exonerated of the charges.

And the 1971 campaign was in the wake of the discovery that the sprawling Mira Mesa development on San Diego's northern boundary had been permitted to open without providing schools for the young families who rushed to settle there.

During his administration Wilson pushed successfully for ordinances limiting contributors to city campaigns to individuals, rather than corporations or groups, and for the contributors to be fully identified by name and occupation. Individuals can give no more than $250 to a candidate under the ordinance.

Wilson



Casady

Donald H. Harrison is the politics writer of The San Diego Union.

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Wilson also built a reputation as an advocate of "managed growth" — a philosophy that called for the banning of development on the city's periphery unless services were financed by the developer. Under Wilson's managed growth policy, incentives were to be given developers for "infilling" already urbanized areas.

As mayor, Wilson set about remaking the city government in the image of the California Legislature. Salaries of council members increased from $5,000 to $17,000 and the mayor's increased from $12,000 to $25,000. The council, mirroring the Legislature, became a full-time legislative body, complete with a committee system to screen legislation before it came to the floor.

During the 1975 campaign, Hubbard's contention that Wilson's managed-growth policy provided more restrictions than incentives was well received by the construction and loan industries. Hubbard also tangled with Wilson on the issue of collective bargaining for public employees. Wilson said the City Council, as the elected representatives of the people, must have final word on how tax dollars are spent. Hubbard said binding arbitration for safety employees was a desirable way to avoid strikes. He also said if non-safety employees gave up their tenure and civil service protection, they should be permitted the right to strike.

Echoes of 1975

As Casady began his effort this year, there were echoes of Hubbard's campaign. Like Hubbard, Casady decried Wilson's attempt to refashion the city manager form of government into a "strong mayor" form of government. Casady enlisted a former city manager, Kimball Moore, to serve as his campaign chairman.

And, like Hubbard, Casady criticized Wilson's treatment of public employees. He favors binding arbitration for police employees.

One of the more interesting aspects of the race is that Hubbard today is supporting Wilson. Although there are still issues on which they disagree, Hubbard said, "On the two major issues — jobs and housing — it appears to me that Pete has mitigated his position. I still don't agree with him fully, but I don't have the vibrant disagreement with him that I did in 1975." Since Wilson ran fourth in the 1978 Republican gubernatorial contest, he has become more conservative and traditionally Republican in his outlook, Hubbard suggests.

A late entrant in the mayor's race, Casady decided to oppose Wilson only after San Diego's liberal Democratic Assemblyman Larry Kapiloff signaled that he would stay out of the race. At a news conference to announce his decision, Kapiloff urged Casady to run and said that while Wilson once was the managed-growth candidate, today he is the Hubbard of the campaign.

Kapiloff and Casady were particularly critical of Wilson's backing for a proposed North City West development planned east of Del Mar. The development, not yet given final approval by the council, would accommodate 40,000 people in more than 13,000 homes. According to Wilson, North City West will differ from Mira Mesa in that the developers are being required to provide schools, street lighting, parks and capital for fire and police services as a condition for their permits.

But Casady and other opponents say that the development still will result in the "Los Angelesization" of San Diego by prompting further sprawl. And they say taxpayers will be burdened by the need to widen Interstate 5 and to build a new water pipeline to San Diego County to provide for the newcomers.

Another quarrel is over downtown redevelopment. Wilson maintains that the city's "heart" must be saved, and that public funds should be committed to spur development of a shopping center, convention center, housing project and transportation center. Casady, on the other hand, objects to public subsidy of private corporations, calling it "welfare for the rich." He argues that if it makes good economic sense to revitalize downtown, private enterprise would do it on its own. As it is, said Casady, shopping center developer Ernest Hahn, who owns similar centers throughout the county, is getting all the benefits of city cooperation without any guarantee that the proposed downtown shopping center ever will be economically viable.

Another big land use issue dividing Wilson and Casady is Proposition D on the September 18th ballot — an emotional issue because it creates conflict between two of San Diego's most cherished institutions, the Navy and Balboa Park.

Wilson favors Proposition D which asks if the Navy should be permitted to trade 39 acres of Balboa Hospital grounds for 39 acres in the adjoining Florida Canyon section of Balboa Park. The Navy wants to rebuild a modern hospital in the park. Opponents, including Casady, say the Navy should leave undeveloped Florida Canyon alone, rebuild its hospital somewhere else and turn over all 77 acres of its current hospital grounds to the city for park use.

With the Chamber of Commerce and Republican Congressman Bob Wilson mounting a big campaign in favor of the Navy position, the issue is expected to dominate political discussion and may influence the outcome of the mayor's race as well.

The trade requires approval by two-thirds of the electorate, a margin considered almost impossible to obtain by Navy Hospital backers. Accordingly, Congressman Wilson is pushing through congressional authorization for the Florida Canyon site to be condemned by the federal government, whatever the outcome of the election.

Wilson and Casady also are split on the rent control issue, with Casady saying that controls are needed on escalating rents and conversions of apartments to condominiums. Wilson says rent control will only discourage investors from building new apartment houses, and will aggravate rather than alleviate the housing shortage.

Too liberal?

Because Casady has been a party figure and not a government figure, the Wilson campaign is counting on San Diego citizens not taking Casady's aspirations too seriously. Among prominent Democrats in Wilson's camp are M. Larry Lawrence, the former Southern California chairman of the Democratic party, and Harvey Furgatch, a liberal developer who serves as one of Governor Brown's appointees on the state Horse Racing Board.

At 71, argues McDade, Casady is too old, too liberal and lacking in vigor to run San Diego. Wayne Hughes, Casady's campaign manager, quarrels with the radical label the Wilson campaign seems bent on pinning on Casady. Casady's reputation as a liberal, says Hughes, stems from Casady's calling for an end to the war in Vietnam and for the admission of Red China to the United Nations. If that is radical, says Hughes, then Richard Nixon was a radical too. The difference in the two men's positions on those issues, says Hughes, is that Casady was about "six years ahead of his time."

But for all the rhetoric, the real determinant of the campaign's outcome may likely be each candidate's ability to raise money and to get his campaign message out to the people. As the campaign began, the Wilson camp spoke of raising $100,000 — and said $20,000 already was in the coffers. By contrast, the Casady campaign was anticipating raising $20,000 total.

Hughes said the Casady campaign will be five times more clever than Wilson's. But Wilson is expected to have five times more to spend.

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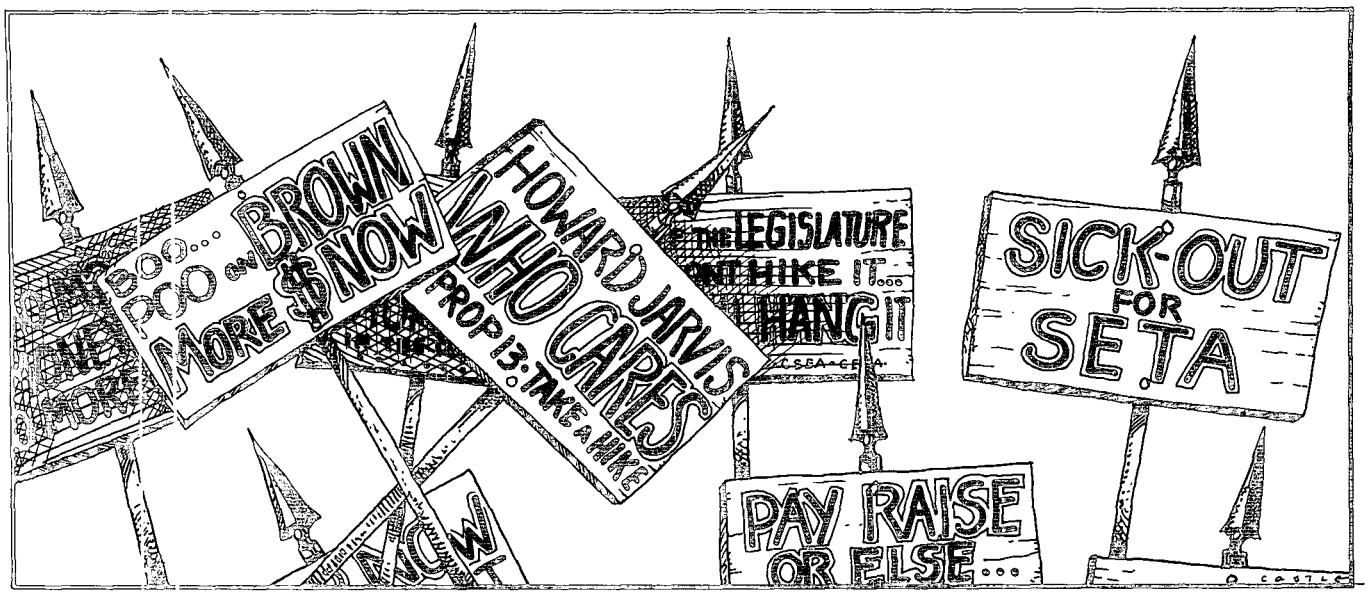

MILITANCY FOR SALE

The confrontation politics of rival state-employee unions

By CYNTHIA WILLETT

It has been more than a year since the state's new collective bargaining law for public employees went into effect. Yet not a single contract has been signed using the new bargaining methods. After months of hearings and thousands of transcript pages, the board responsible for implementing the law still hasn't defined the first bargaining unit.

Meanwhile, state employees are watching their summer of discontent stretch into autumn. Angered last year by Governor Brown's post-Proposition 13 pay freeze, they have been caught this year in unprecedented squabbling among rival employee organizations. For the competing unions, this is the do-or-die season before bargaining-unit elections. So they have become increasingly militant in their dealings with the Brown Administration, the Legislature and with each other.

Early rumbles

The battleground was defined back in 1977, when the State Employer-Employee Relations Act (SEERA) was passed. Union leaders hailed it as a victory which would grant a form of collective bargaining to state workers. But they also knew some unions would not survive to enjoy the victory. The reason: SEERA authorizes creation of bargaining units for state workers, with each unit to be represented by a single employee organization. To determine which group will be the exclusive representative for a particular unit, workers will vote in special elections. Naturally, each union hopes to prove that it can most effectively represent workers in negotiating sessions with the governor's office. Thus began this summer's political jockeying for power among competing employee organizations.

The first rumbles of union activity came in June when talks for this year's contracts got underway. Aggravating the already charged atmosphere of rivalry was the fact that state employees hadn't received a pay raise for two years. The California Association of Highway Patrol started by staging sickouts on weekends. Soon afterward, some workers from the State Water Resources Department walked off their jobs in a strike sanctioned by the State Employees Trades Council (SETC). Other SETC members quickly followed the water workers' lead, so that at one point employees from the state hospitals, prisons, Department of Transportation and General Services were all on strike.

Although SETC ostensibly was pushing for a pay increase, Charlie Reiter, SETC general manager, admits that "recognition" for his union was a key factor in the decision to strike. SETC leaders wanted some dramatic publicity for their relatively little-known union. The strike appears to have paid off: Reiter claims SETC's membership increased by 300 or 400 persons. However, some of the more conservative state workers may have been turned off by the union's tactics, particularly since the strike temporarily threatened passage of the Legislature's pay package, SB 91.

Whether the strike backfired on SETC or not, other employee groups followed suit with increasingly belligerent behavior. By far the largest and most powerful of all state worker groups, the California State Employees' Association, proved no exception to the union power-play maneuvers. Its arch rivals are the AFL-CIO affiliates under the jurisdiction of the California Federation of Labor. CSEA and the labor affiliates have exchanged seemingly endless quantities of hyperbolic debate, each charging the other with "selling out" their respective memberships in negotiating pay settlements.

The unions' political posturing is not likely to die down until after elections are held and exclusive representatives are chosen. But when this will occur is anyone's guess, due to the long, drawn-out implementation process of the collective bargaining law.

Overseeing the law's implementation is the new Public

Cynthia Willett, a student at Dartmouth College, prepared this article as a Journal *intern.*

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Employment Relations Board (PERB), renamed from the previous three-member Educational Employment Relations Board. The 1977 law granted PERB the responsibility of ruling upon several key issues, including makeup of the bargaining units in terms of grouping, number and size of membership.

PERB set up a legal-hearing format to decide the bargaining unit question. Starting in July 1978, employee organizations filed petitions for what they thought would be appropriate units. Then, from January though June this year, PERB's lawyers held hearings in which 36 different unions testified in favor of their desired units. PERB chose the case-by-case format because it wanted to create an extensive record of evidence, with all the groups being allowed to give as much testimony as they thought necessary. The three-member board, headed by chairman Harry Gluck, may have gotten more than it bargained for: PERB must review more than 27,000 pages of transcripts from the hearings before it determines the units.

Conflicting criteria

Each union's goal is to gain exclusive representation rights in the bargaining agent elections. Naturally, then, each petitioned only for those units from which it had strong support from different state worker interest groups. Because of this, proposed unit size ranged from a low of 27 members (submitted by the Association of State Agriculture Marketing Specialists) to CSEA's proposed clerical unit of over 30,000 members.

The law's guidelines for unit determination are open to considerable interpretation. In deciding units, PERB must take into account the "community of interest among the employees," including such criteria as the extent to which workers perform common duties or have common skills, supervision and working conditions, and the history of employee representation in state government. But at the same time PERB must consider the effect the projected unit will have in negotiations, "emphasizing the availability . . . of employer representatives" and the "efficient operations of government." The law also contains a clause which warns PERB against "proliferation of units."

The conflict between the community-of-interest and the proliferation-of-units criteria constitutes the major theme that has run thoughout the PERB hearings. Small employee groups generally have stressed the community-of-interest test, favoring the creation of small, vertical units comprising specific job classifications. The Brown Administration and CSEA favor large, broadly based units composed of many different job categories.

So, in determining bargaining units PERB must attempt to strike a balance between the community-of-interest provision and the proliferation-of-units clause. The way in which PERB ultimately decides the units is of profound importance to the various state worker groups. Many smaller unions could be wiped out if PERB opts for a small number of broadly based units while a fairly large number of smaller-size units could mean a substantial decrease in membership for CSEA.

While it remains the only state-employee group that has members in nearly all job categories, CSEA has dropped from 86,000 full-time members to less than 80,000 within the past three years. William McLeod, PERB hearing officer for CSEA, attributes this drop in part to the "increased militancy and aggressiveness" of the organization. CSEA leadership, recognizing the high stakes presented by the bargaining agent elections, has responded with what Marty Morgenstern, Governor Brown's employee relations adviser, terms a "high-risk strategy." In refusing to budge this summer in its opposition to Brown's pay proposals and in threatening to strike had the Legislature's override of SB 91 failed, CSEA antagonized both the Brown Administration and some of its own more conservative members. But CSEA may have gained support from workers who respect the group's tougher stance in demanding higher pay packages.

CSEA petitioned for 11 separate bargaining units and certainly will be a major contender for gaining exclusive representation rights, no matter what the outcome of PERB's decisions on various units. Many smaller unions, such as the Professional Engineers in California Government, have strength in only one area. Depending upon the final bargaining unit configurations, such unions could pose a challenge to CSEA's supremacy.

No sure thing

Contract negotiations using the new law's bargaining techniques are not a sure thing for next year. Morgenstern says that "it's our hope and belief that we'll have our first contract to be submitted in time for next year's budgeting process." But the process of implementing SEERA has already been slow and could continue to be so in the final phases.

During the unit determination hearings, disagreements over procedural matters hampered the process. The number of subhearings, which bear no relationship to what will be the final designation of units, became what PERB attorney Al Link called a "political football." "The parties tried to attach significance to the number of subhearings in terms of the eventual outcome of the bargaining units, while all we were doing was trying to come up with a manageable number to work with."

PERB hopes to announce bargaining units sometime this month or next, according to Gluck. Even if that is accomplished, there are other reasons to doubt that 1980 will produce much collective bargaining under the new law. Among them:

- ***Support petitions.*** Before elections can be held, interested employee organizations must petition to show they have a set degree of support among state workers. This petitioning, plus the process of PERB working out the logistical details of the elections, is bound to take at least two to three months. Because elections will take several months to choose representatives for each of the bargaining units, it may be too late into 1980 for some, or all, of the groups to undergo collective bargaining in time for next year's contracts.
- ***Exclusionary decisions.*** The new law excludes all supervisory, managerial and confidential employees from the new bargaining methods. It's up to PERB to decide which state workers fall into these categories by going through another series of hearings begun in July. Chuck Cole, executive director for PERB, says resolving the exclusionary issue is a monumental task, because the board will have to rule upon individual job positions rather than broad job classifications. PERB hopes to be able to conduct most of the elections without first having resolved the exclusionary question by using "challenge ballots" for persons who may fit in excluded categories. "The ballots would be counted

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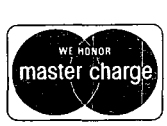

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only if the election were close and they would determine the outcome.

• ***Legal challenges.*** Yet another stumbling block lies in the way of the collective-bargaining law. Last February, Attorney General George Deukmejian and the Pacific Legal Foundation filed lawsuits challenging the constitutionality of SEERA on grounds that it transfers certain civil-service powers of the State Personnel Board to the governor and PERB. The closing oral arguments were heard in August, and a decision should be handed down soon by the Court of Appeal. Legal challenges from unions that are dissatisfied with PERB's uniting decisions are also a possibility, which would result in a further slowdown in implementation.

Stronger positions

When the new bargaining methods are finally put into place, how will employer-employee relations be affected? The law's major provision requires the employer and employee to "meet and confer in good faith" to reach agreement on salary, benefits and working conditions. The law falls short of full collective bargaining since it lacks provisions granting the right to strike, to have binding arbitration and "agency shops." But the act does establish procedures for mediation in the case of impasse and specifies certain unfair practices. Both management and employee groups agree that these clauses will give worker representatives stronger positions than have been theirs in the past.

Large salary increases for state employees probably will not result from the new bargaining techniques. Although there may be initial raises in pay and benefits, collective bargaining certainly won't transform the governor's negotiators into pushovers for union demands.

Union leaders claim that strikes will be infrequent under collective bargaining because employees will have a forum through which they can address their grievances without relying on traditional union tactics. John Henning, head of the California Federation of Labor (AFL-CIO), asserts that the work stoppages of last summer were caused by the "workers not having any means to share in the decisions affecting their salaries and working conditions. There will be less reason for work stoppages when the law takes effect."

Whether this proves to be true or not remains to be seen. As Morgenstern says, "There is no guarantee that SEERA will limit strikes. When public employees are unhappy over salaries, they will often go on strike."

Another intriguing possibility is that the new law could change the way unions contribute to political campaigns. Since the governor's office will assume the primary responsibility for negotiating contracts, employee groups may shift the bulk of their contributions to gubernatorial candidates in an attempt to create a more favorable bargaining atmosphere. Under the new law, the Legislature will simply vote whether to accept or reject the administration and worker representatives' agreement. This means less need for public-employee unions to woo legislators for support.

The consolidation of power into a single union for each bargaining unit signals one of the most important differences between SEERA and the present bargaining system. After the bargaining agent elections are held, there will be little purpose in the current competition between opposing unions.

But for the present, the new law's birth process is encouraging confrontation politics among employee groups. This in turn causes problems in how the administration should respond to union militancy. If unit-representation elections are delayed much longer and collective bargaining negotiations are postponed for another year, then 1980 will probably produce a replay of this summer's political maneuvering among rival employee unions.

Significant court actions

Cartoon by Steven Greenberg, © The Valley News, 1979

The ad hoc Supreme Court

The strangest Supreme Court in California history was formed to decide whether the investigation of the high court by the state Commission on Judicial Performance must be held entirely behind closed doors. Justice Stanley Mosk had won a ruling from an appellate court panel in Los Angeles that forced all proceedings to be confidential, and the commission appealed that decision to the Supreme Court.

Only Justice Frank Newman declined to disqualify himself from hearing the case, and the other six justices were chosen by lot. Subsequently, one of those justices, Bernard Jefferson, was successfully challenged and replaced. Mosk questioned the jurisdiction of the temporary Supreme Court in the matter, and there were efforts made to have Newman disqualify himself, especially after it was revealed that the justice had written a letter to the commission stating an opinion on the issue of confidentiality.

With the court under investigation and the commission's proceedings the subject of a lawsuit, the seven justices came under attack from another direction. The Law and Order Campaign Commission headed by state Senator H. L. Richardson filed a Superior Court suit seeking to cut off salaries of members of the court because they allegedly take too much time deciding cases. Decisions are supposed to be filed within 90 days after all arguments and exhibits have been submitted, but the court has avoided this requirement by considering a case submitted when the court's ruling is completed. To get paid, judges sign affidavits each month that they have no pending cases more than 90 days old. State Controller Kenneth Cory is the defendant in the suit.

Meanwhile, the court issued several important decisions:

• ***Handicapped.*** In a landmark suit, the justices ruled unanimously that physically disabled parents may not be deprived of custody of their children solely because of their handicaps.

• ***Abortions.*** The court stayed state budget restrictions designed to prevent Medi-Cal women from obtaining abortions, pending a hearing on a suit brought by the Committee to Defend Reproductive Rights. The order was signed by Chief Justice Rose Elizabeth Bird and noted that Justices William Clark and Frank Richardson would have denied the stay.

• ***Curb.*** The court agreed to decide whether Lieutenant Governor Mike Curb can exercise all the powers of the governor when Jerry Brown is out of state. Brown claims Curb can act with full power only when the governor is disabled.

• ***Jarvis.*** The suit by Proposition 13 co-author Howard Jarvis to invalidate the $207 million retroactive pay raise for state employees was sent to the appellate court in Sacramento for hearing.

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Sacramento, calling Orson

If you try to comprehend what happened to welfare grants this year, you will readily understand why the rest of the world thinks almost all Californians are kin of television's Mork.

Back in January, Governor Brown called for a 6 percent increase in benefits as part of his budget, and he tied welfare to salaries of state workers. The Legislature was more generous than Brown and sent him a budget that contained 14.5 percent boosts for both. Brown blue-penciled part of the pay raise but left the welfare grants alone, even though he had tried to get the Legislature to waive a legal requirement that relief checks keep pace with the cost of living.

After the budget battle ended, the Brown Administration announced that it was going to give welfare recipients even more than the budget required, 15.2 percent, because the cost-of-living law was still in effect. At some point, Governor Brown will have to get the additional $20 million out of the Legislature. He has one strong selling point: The cost of providing additional food stamps would have been more than $20 million, and the state would have been forced to provide them under federal law if the cost-of-living factor had been ignored.

In the end, it turns out that the governor, who sought to be tight with welfare recipients, emerged as the free spender. This way Brown can tell conservatives how hard he tried to reduce welfare spending, and he can tell poor voters how he unilaterally provided grants even higher than those voted by the Legislature. For consistency in government, perhaps Brown could arrange to have Robin Williams occupy his office while he is campaigning in the East this fall.

Brown pulled a mild surprise when he made no changes in the long-range Proposition 13 bailout measure sent him by the Legislature. It had been anticipated that Brown would trim $100 million or so from the $4.85 billion local-government aid package. But he didn't cut a dime. (For details on the bill, see last month's *Journal*.)

The governor did send shock waves through the State Bar by vetoing the organization's money bill — one that provided for a dues structure that would produce almost $8 million this year (down from almost $9 million), instead of $4.6 million under current law.

The bill, authored by Senator Jerry Smith, originally was limited to the dues issue. But an amendment by Senator Alan Robbins changed the way lay members of the Bar's board of governors would be selected. Now, all six are appointed by the governor; the amendment would have given four of those spots to the Legislature. The Bar was operating under the assumption that Brown would sign the bill because his legal adviser, Tony Kline, said the Robbins amendment was not objectionable to him. It was expected that another Bar dues bill — without the Robbins provision — will be sent to Brown before adjournment on September 15th.

Senate (24D, 16R)	SB 190A SB 190B AB 8	Fonda SB 1183 AB 450		SB 190A SB 190B AB 8	Fonda SB 1183 AB 450
Alquist (D)	YYY	*YY	Montoya (D)	YYY	NYN
Ayala (D)	YYY	NY*	Nejedly (R)	YYN	NN*
Beverly (R)	YYY	NYN	Nielsen (R)	YYY	NNN
Briggs (R)	YYN	N*Y	Nimmo (R)	YYY	NYY
Campbell (R)	NYN	NY*	Petris (D)	NYY	YY*
Carpenter (D)	YYN	NYY	Presley (D)	YYN	NYN
Craven (R)	N*Y	NYY	Rains (D)	YNN	*YY
Cusanovich (R)	YYY	N*Y	Richardson (R)	NNN	NNY
Dills (D)	YYY	NNY	Robbins (D)	YYY	*YY
Foran (D)	Y*Y	**Y	Roberti (D)	YYY	YYY
Garamendi (D)	YYY	NYN	Rodda (D)	YNY	YYY
Garcia, A. (D)	YYY	NY*	Russell (R)	YNN	NYN
Garcia, M. (R)	NNN	NYN	Schmitz (R)	NNN	NNN
Greene (D)	YYY	*YY	Sieroty (D)	N*Y	YYY
Holmdahl (D)	NNN	N**	Smith (D)	N*Y	*Y*
Johnson (R)	YYY	NYY	Speraw (R)	YYN	NNN
Keene (D)	YYY	*YY	Stiern (D)	YYY	NYN
Maddy (R)	N*Y	NYN	Vuich (D)	NYY	NYN
Marks (R)	YYY	N*Y	Watson (D)	YYY	YYY
Mills (D)	NNY	NY*	Wilson (D)	NYY	NYN

Listed here are the votes of legislators on recent major roll calls through mid-August. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes **N - No**
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Senate

BUDGET AND FINANCE

SB 190 (Rodda) — Override of governor's veto of 14.5 percent pay raise for state employees. Veto overridden, 27 - 13.

SB 190 (Rodda) — Override of governor's fund reduction for support of safety-inspection programs. Override approved, 27 - 8.

AB 8 (Greene) — Allocates local-government "bailout" funds to replace property-tax revenues lost as a result of Proposition 13. Passed, 28 - 12.

MISCELLANEOUS

Appointment — Confirmation of appointment of actress Jane Fonda to the California Arts Council. Rejected, 5 - 28.

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SB 1183 (Garamendi) — Revises state nuclear-emergency response plans. Passed 29-6.

AB 450 (Bannai) — Requires school districts to provide a written explanation for transferring an administrator to a teaching position. Failed, 19-13 (21 votes required).

Assembly

BUDGET AND FINANCE

AB 8 (Greene) — Allocates local-government "bailout" funds to replace property-tax revenues lost as a result of Proposition 13, starting with $4.85 billion in the current fiscal year. Passed, 69-11.

SB 190 (Rodda) — Override of governor's veto of 14.5 percent pay increase for state employees. Veto overridden, 68-8.

SB 364 (Senate Rules Committee) — Increases salaries of legislators a maximum of 10 percent, effective December 1st, 1980. Passed 62-18.

MISCELLANEOUS

SB 1039 (Rodda) — Requires applicants for real-estate broker's licenses to complete two additional educational courses before qualifying for licenses. Passed, 53-20.

AB 1889 (Calvo) — Permits sales of gasohol in California and requires that methanol be used in some electricity generating plants. Passed, 62-15.

ACA 52 (Ingalls) — Proposed constitutional amendment to permit an increase in interest rates above 10 percent on certain business loans. Adopted, 73-5.

Assembly (50D, 30R)	AB 8	SB 190	SB 364	SB 1039	AB 1889	ACA 52		AB 8	SB 190	SB 364	SB 1039	AB 1889	ACA 52
Agnos (D)	Y	Y	Y	N	Y	Y	Kelley (R)	N	N	N	Y	Y	Y
Alatorre (D)	Y	Y	Y	N	Y	Y	Knox (D)	Y	*	Y	*	Y	*
Bane (D)	N	Y	Y	N	Y	Y	Lancaster (R)	N	Y	Y	Y	*	Y
Bannai (R)	Y	Y	Y	Y	Y	Y	Lehman (D)	Y	Y	Y	Y	Y	Y
Bates (D)	Y	Y	Y	*	Y	Y	Leonard (R)	N	Y	Y	N	N	Y
Bergeson (R)	Y	*	Y	Y	N	Y	Levine (D)	Y	Y	Y	N	Y	Y
Berman (D)	Y	Y	Y	*	Y	Y	Lockyer (D)	Y	Y	Y	Y	Y	Y
Boatwright (D)	Y	*	Y	Y	Y	Y	Mangers (D)	Y	Y	N	Y	Y	Y
Bosco (D)	Y	Y	Y	Y	N	Y	McAlister (D)	Y	Y	Y	N	Y	Y
Brown, D. (R)	N	N	N	N	Y	Y	McCarthy (D)	Y	Y	Y	*	Y	Y
Brown, W. (D)	Y	*	Y	N	Y	N	McVittie (D)	Y	Y	Y	Y	Y	Y
Calvo (D)	Y	Y	N	Y	Y	Y	Mello (D)	Y	Y	Y	Y	Y	Y
Chacon (D)	Y	Y	Y	N	Y	Y	Moore (D)	Y	Y	Y	N	Y	Y
Chappie (R)	Y	Y	N	Y	N	Y	Moorhead (R)	Y	Y	N	Y	Y	Y
Cline (R)	Y	Y	Y	*	Y	Y	Mori (D)	Y	Y	Y	N	Y	Y
Costa (D)	Y	Y	Y	Y	Y	Y	Mountjoy (R)	N	N	N	Y	N	Y
Deddeh (D)	Y	Y	Y	Y	Y	Y	Naylor (R)	Y	N	Y	N	Y	Y
Duffy (R)	N	Y	Y	N	Y	Y	Nestande (R)	N	Y	Y	N	Y	Y
Egeland (D)	Y	Y	N	Y	Y	Y	Nolan (R)	Y	N	Y	Y	N	Y
Elder (D)	Y	Y	N	Y	Y	Y	Papan (D)	Y	Y	Y	N	*	Y
Ellis (R)	Y	Y	Y	N	Y	Y	Perino (D)	Y	Y	Y	Y	Y	Y
Felando (R)	N	N	N	Y	N	Y	Priolo (R)	N	Y	Y	N	Y	Y
Fenton (D)	Y	Y	Y	Y	Y	Y	Robinson (D)	Y	Y	Y	*	Y	Y
Filante (R)	Y	Y	N	Y	N	Y	Rogers (R)	Y	Y	Y	N	N	Y
Frazee (R)	Y	Y	Y	N	Y	Y	Roos (D)	Y	Y	Y	Y	*	Y
Gage (D)	Y	N	N	Y	N	Y	Rosenthal (D)	Y	Y	Y	N	Y	N
Goggin (D)	Y	Y	Y	*	Y	Y	Ryan (R)	Y	Y	Y	Y	Y	Y
Greene (D)	Y	Y	Y	*	Y	Y	Statham (R)	Y	Y	Y	Y	Y	Y
Hallett (R)	Y	Y	Y	Y	Y	Y	Stirling (R)	Y	Y	Y	Y	Y	Y
Hannigan (D)	Y	Y	Y	Y	Y	Y	Tanner (D)	Y	Y	Y	Y	Y	Y
Harris (D)	Y	Y	Y	Y	N	Y	Thurman (D)	Y	Y	Y	Y	Y	Y
Hart (D)	Y	Y	N	N	Y	Y	Torres (D)	Y	Y	Y	Y	Y	Y
Hayden (R)	Y	Y	N	Y	Y	Y	Tucker (D)	Y	Y	Y	Y	Y	Y
Hayes (R)	N	Y	N	Y	N	Y	Vasconcellos (D)	Y	Y	N	N	Y	Y
Hughes (D)	Y	Y	Y	N	Y	Y	Vicencia (D)	Y	Y	Y	Y	Y	Y
Imbrecht (R)	Y	Y	Y	Y	Y	Y	Waters, M. (D)	Y	Y	Y	N	Y	Y
Ingalls (D)	Y	Y	Y	Y	Y	Y	Waters, N. (D)	Y	Y	Y	Y	Y	Y
Ivers (R)	Y	N	Y	Y	Y	Y	Wray (D)	Y	Y	N	Y	Y	Y
Johnson (R)	Y	Y	Y	N	Y	Y	Wyman (R)	Y	Y	N	Y	Y	Y
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Young (D)	Y	Y	Y	Y	Y	Y

Pesticides

Continued from page 322

most. We've made a lot of changes. Not as many as some people would like, but they'll help," he says.

Attorney Norman E. Hill, the Resources Agency's environmental expert, says that while the proposed regulations incorporate several of his suggestions, "I think they still have a way to go" before they're a certifiable functional equivalent. Some environmentalists fear that in participating in departmental advisory committee meetings and monitoring the program's development closely, Hill may have tacitly committed his agency to approving it. Not so, Hill says: "I don't feel boxed in either for or against the thing."

If Johnson refuses to certify the CDFA program, the ball will be back in the Legislature's court. Assembly consultant Arnie Peters has sat through all the advisory committee meetings during which the program was formulated, and Assembly Speaker Leo McCarthy has received progress reports from Rominger as well. Assemblyman Art Torres' Health Committee is holding public hearings on the public effects of exposure to dangerous and cancer-causing chemicals, hearings which will serve as consciousness-raisers for those concerned about the long-term effects of pesticides on California's environment.

More or less

Agribusiness and environmentalists are divided in their opinions on whether they'd get more of what they want if the Legislature is forced to take another crack at the problem.

The Farm Bureau feels it's already taken its best shot. But pest control adviser Scott Johnson is concerned: "If regulations were passed that we could live under, we'd rather see it certified and get it out of the way. But if these pass as they are, we'd rather see it go back to the Legislature. It'll be an election year, and they're more likely to listen to agriculture."

Environmentalist attorney McCray has a different perspective. "We may lose in the Legislature, but it's better to have a clean loss there than have a secretary of the Resources Agency, the protector of California's primary environmental law, approve a crummy program. This proposed regulation is so bad, it makes so few changes, that I'd rather see it lose in the Legislature if it came down to that. We can do as well under existing regulations. These don't add anything to real enforceability," he says.

Public pressure appears to have forced concessions from the agriculture department, which has invested a lot of time and trouble on the pesticide regulatory program. Department officials obviously don't want its proposals to be the first rejected by the Resources Agency. That would tend to confirm all those bad things environmentalists keep saying about the department.

Also working in favor of certification is the man in the corner office who doesn't want CDFA and the Resources Agency on a collision course. The last thing Jerry Brown needs when he's campaigning for the presidency is a nasty inter-agency fight between his department heads on an emotionally charged issue like pesticides.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature on August 20th.

SUBJECT	BILLS	DESCRIPTION	STATUS
ABORTION	SB 691 (Montoya)	Enacts additional informed-consent requirements for the performance of abortion.	*Assembly Health Committee.*
AGRICULTURAL LABOR RELATIONS	AB 838 (Mori)	Repeals requirement that a collective bargaining agreement must exist between an agricultural employer and farmworkers in order for employees to file a valid decertification petition with the Agricultural Labor Relations Board.	*Senate Finance Committee.*
ATTORNEYS	SB 1031 (Smith)	Changes the amount of annual State Bar dues payable by attorneys and authorizes the Legislature to appoint four public non-attorney members of the State Bar Board of Governors.	*Vetoed by governor.*
BOARDS AND COMMISSIONS	AB 46 (McCarthy)	Abolishes 20 state licensing boards and commissions over a three-year period unless legislation is enacted to continue their existence.	*Defeated by Senate Governmental Organization Committee.*
BUSING	AB 1947 (Young) SB 1244 (Robbins)	Both measures would grant judicial preference to litigation involving busing for purposes of school desegregation.	*AB 1947 is in the Assembly Judiciary Committee. SB 1244 is pending in the Senate Judiciary Committee.*
CRIMINAL JUSTICE	SB 262 (Wilson)	Prohibits the granting of probation to persons convicted of using a knife in the commission of a felony.	*Assembly Criminal Justice Committee.*
	SCA 17 (Presley)	Constitutional amendment requiring a court to consider public safety factors when determining whether or not to grant bail.	*Assembly Criminal Justice Committee.*
DENTISTS	AB 253 (Rosenthal)	Permits dentists to maintain multiple offices without having to be present at each during a specified period of time.	*Senate Finance Committee.*
GOVERNOR'S APPOINTMENTS	SB 1241 (Carpenter)	Makes governor's appointments to county boards of supervisors subject to Senate confirmation.	*Senate Local Government Committee.*
GUN PERMITS	SB 27 (Nejedly)	Increases license fee for carrying a concealed weapon from $3 to a maximum of $50.	*Assembly Criminal Justice Committee.*
HEALTH CARE	AB 157 (Berman)	Guarantees patients and former patients access to their medical records.	*Defeated by Senate Judiciary Committee. Reconsideration pending.*
	SB 184 (Presley)	Permits physicians to prescribe marijuana for cancer patients undergoing chemotherapy under strictly controlled conditions.	*Signed by governor.*
HOUSING	AB 221 AB 1702 (Maxine Waters)	AB 221 makes a landlord liable for damages if he or she prevents a tenant from gaining access to a housing unit or removes tenant's personal property from the unit in an attempt to terminate the tenant's occupancy. AB 1702 permits tenants, under certain conditions, to make repairs to their apartments and deduct repair costs from their rent.	*Both signed by governor.*
LOANS	AB 748 (Young)	Overturns court ruling invalidating acceleration clauses contained in deeds of trust or promissory notes (due-on-sale clauses). Requires lender to offer borrower a choice between a loan with a due-on-sale clause and one without such a clause at a higher interest rate.	*On Assembly floor.*
MOTOR-VEHICLE INSURANCE	AB 116 (McAlister)	Enacts a system of no-fault motor vehicle insurance.	*On Assembly inactive file.*
TEACHERS	AB 1745 (Bergeson)	Allows school districts to lay off teachers when there are insufficient funds to pay teacher salaries.	*Senate Education Committee.*
	AB 1805 (Naylor)	Permits school districts, when laying off teachers, to use factors other than seniority in determining the order of dismissal.	*Senate Education Committee.*
WELFARE	AB 1945 (Ingalls)	Repeals annual automatic cost-of-living increases for recipients of Aid to Families with Dependent Children (AFDC) and the aged, blind and disabled.	*Assembly Human Resources Committee.*

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No more Mr. Nice Guys

By Leo Rennert

The 1980 battle for California's 43 House seats promises to be an unusually long and bloody affair. A bitter back-stabbing fight between Democrats and Republicans in the 43-member congressional delegation is already in full swing. A decades-old non-aggression pact between incumbents has given way to rancorous hostilities as Californians hatch plots against each other across the aisle. Many lawmakers no longer are satisfied to tend to business in their own districts. Increasingly cloakroom discussions focus on ways to unseat colleagues of the other party. It's a nasty free-for-all that could add new divisiveness to a delegation not noted for its cohesive strength.

REPUBLICAN JOHN ROUSSELOT, who's running hard for the Senate against Democrat Alan Cranston, started the fireworks with an aggressive campaign to recruit strong GOP challengers to run against Democratic incumbents in congressional districts. Rousselot's maneuver has a dual purpose — to take more House seats away from California Democrats and to bring out the kind of local Republican talent that could give a big assist to his own Senate campaign. The San Marino congressman has yet to build a statewide base; what better way to enhance his own chances than to campaign in key areas beside a prominent local Republican running for the House? As vice chairman of the National Republican Congressional Committee, Rousselot can funnel lots of campaign money into House contests of his choosing. As a result, a fair number of Democrats who might have expected only weak opposition suddenly confront the prospect of having to gear up against fairly potent, well-financed challengers. Says one Democratic lawmaker: "If Rousselot can get prominent Republican community leaders to run for the House echoing his anti-busing, anti-abortion line, he'll have surrogates in every corner of the state. He'll have us pinned down in our own districts and we'll be so busy looking out for our own survival that we won't be able to be of much help to Cranston."

Predictably, Democrats in the delegation have begun to strike back with plans to groom their own stable of challengers in traditionally Republican areas. The watchword, particularly among younger and more vulnerable Democrats, is: No more Mr. Nice Guy. "Rousselot's strategy is a good one," says Democratic freshman Tony Coelho of Merced. "If President Carter is weak in 1980 and there are a lot of little Rousselots all over the state in congressional races, it obviously could weaken the traditional Democratic vote for the entire ticket and thus end up hurting Cranston. That's why we've got to do the same thing to Republican incumbents and force them to stay busy."

Democrat Jim Lloyd of West Covina, who again will be a prime GOP target next year, has played the role of Paul Revere in alerting fellow Democrats to the implications of the Rousselot strategy. He's also in the forefront of charting the Democratic counterattack. "We haven't got a specific hit list, but it's going to be tit for tat," says Lloyd. "Rousselot's pushing very hard. But it works both ways. There are some Republicans in our delegation that I like; but the name of the game is survival."

Rousselot professes to be delighted by all the fuss. But he thinks Democrats are giving him too much credit for Machiavellian brilliance. The push to groom more and more solid Republican challengers is part of a much bigger picture than just his own strategy to unseat Cranston, he argues. In the last year alone, Republicans have picked up four congressional seats in California and Rousselot predicts that a continuing conservative political climate will yield additional gains in 1980. "We have 18 of the 43 California House seats and we've got a good chance to go up further," he declares. "We no longer have Watergate hanging around our necks. Good local candidates are coming to us now; they're out there. Would it benefit my Senate campaign? Of course; it would be absolutely helpful. I hope to have close coordination with Republican candidates throughout the state — and at all levels."

The classic test of Rousselot's strategy may be played out in the Van Nuys district of 10-term veteran Democrat Jim Corman, who normally might expect a fairly easy re-election campaign. This time, however, there are strong indications he will be challenged by Bobbi Fiedler, an anti-busing leader on the Los Angeles Board of Education with an aroused following. Mrs. Fiedler and Rousselot worked together on Capitol Hill in pushing — without success — for an anti-busing amendment to the U.S. Constitution. But the issue still could be potent next year — against both Corman and Cranston.

Corman predicts Rousselot's maneuvers will boomerang by prompting Democratic incumbents to get more of their troops to the polls. Corman is chairman of the Democratic National Congressional Committee and won't exactly be starved for funds. "If Bobbi Fiedler doesn't run against me, I'll spend $30,000; if she does run, I'll raise $500,000," he remarks. "With her in the race, we'd go all out to register Democrats in the district and get them to the polls. The same would be true in other Democratic areas where Republicans may try something big. The end result would be a much bigger Democratic turnout — and more votes for Cranston, not Rousselot."

CORMAN'S ASSESSMENT is shared by other senior Democrats who feel less threatened than some of their junior colleagues. Phil Burton, who holds a super-safe seat in San Francisco, agrees that Rousselot's moves will trigger a bigger Democratic voter turnout. By the same token, Burton thinks it would be foolish for Democrats to divert too many resources into quixotic challenges in safe Republican districts. "Is Rousselot really going to go after Democrats who are shoo-ins like Gus Hawkins, Julian Dixon or Ed Roybal?" Burton asks. "They've got to be crazy."

For his part, Rousselot is not showing his full hand — yet. But he's already quite pleased at the commotion he's created in Democratic ranks. The season of the long knives is upon us.

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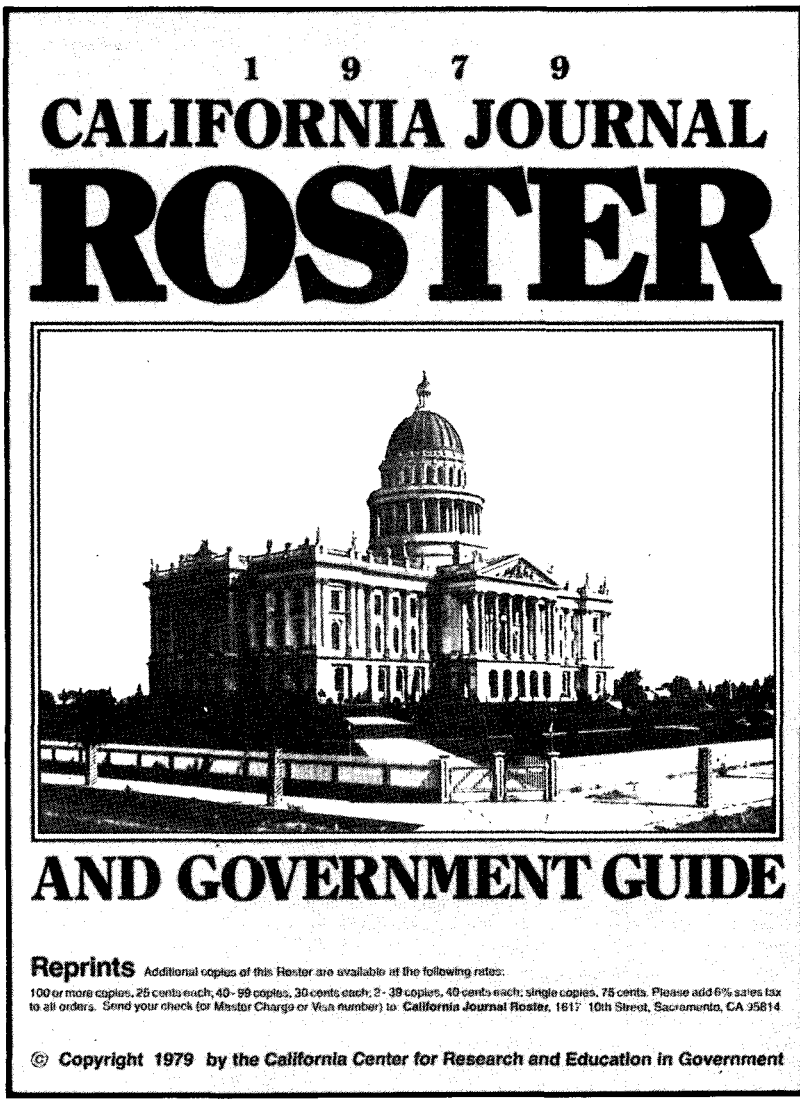
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— Samuel Gompers

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